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27
**COMMUNIST INFILTRATION AND
ACTIVITIES IN NEWARK, N. J.**

HEARINGS
BEFORE THE
COMMITTEE ON UN-AMERICAN ACTIVITIES
HOUSE OF REPRESENTATIVES
EIGHTY-FIFTH CONGRESS
SECOND SESSION

SEPTEMBER 3, 4, AND 5, 1958

Printed for the use of the Committee on Un-American Activities

INCLUDING INDEX



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COMMITTEE ON UN-AMERICAN ACTIVITIES

UNITED STATES HOUSE OF REPRESENTATIVES

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PUBLIC LAW 601, 79TH CONGRESS

The legislation under which the House Committee on Un-American Activities operates is Public Law 601, 79th Congress [1946], chapter 753, 2d session, which provides:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, * * **

PART 2—RULES OF THE HOUSE OF REPRESENTATIVES

RULE X

SEC. 121. STANDING COMMITTEES

* * * * *

17. Committee on Un-American Activities, to consist of nine Members.

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

(q) (1) Committee on Un-American Activities.
(A) Un-American activities.

(2) The Committee on Un-American Activities, as a whole or by subcommittee, is authorized to make from time to time investigations of (i) the extent, character, and objects of un-American propaganda activities in the United States, (ii) the diffusion within the United States of subversive and un-American propaganda that is instigated from foreign countries or of a domestic origin and attacks the principle of the form of government as guaranteed by our Constitution, and (iii) all other questions in relation thereto that would aid Congress in any necessary remedial legislation.

The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

* * * * *

RULE XII

LEGISLATIVE OVERSIGHT BY STANDING COMMITTEES

SEC. 136. To assist the Congress in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the Senate and the House of Representatives shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the Congress by the agencies in the executive branch of the Government.

RULES ADOPTED BY THE 85TH CONGRESS

House Resolution 5, January 3, 1957

* * * * *

RULE X

STANDING COMMITTEES

1. There shall be elected by the House, at the commencement of each Congress.

* * * * *

(q) Committee on Un-American Activities, to consist of nine Members.

* * * * *

RULE XI

POWERS AND DUTIES OF COMMITTEES

* * * * *

17. Committee on Un-American Activities.

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The Committee on Un-American Activities shall report to the House (or to the Clerk of the House if the House is not in session) the results of any such investigation, together with such recommendations as it deems advisable.

For the purpose of any such investigation, the Committee on Un-American Activities, or any subcommittee thereof, is authorized to sit and act at such times and places within the United States, whether or not the House is sitting, has recessed, or has adjourned, to hold such hearings, to require the attendance of such witnesses and the production of such books, papers, and documents, and to take such testimony, as it deems necessary. Subpenas may be issued under the signature of the chairman of the committee or any subcommittee, or by any member designated by any such chairman, and may be served by any person designated by any such chairman or member.

* * * * *

26. To assist the House in appraising the administration of the laws and in developing such amendments or related legislation as it may deem necessary, each standing committee of the House shall exercise continuous watchfulness of the execution by the administrative agencies concerned of any laws, the subject matter of which is within the jurisdiction of such committee; and, for that purpose, shall study all pertinent reports and data submitted to the House by the agencies in the executive branch of the Government.

SYNOPSIS

On September 3-5, 1958, in Newark, N. J., the Committee on Un-American Activities held additional public hearings in its continuing investigation of current Communist tactics of infiltration and the extent, character, and objects of Communist Party propaganda activities in the United States.

Sixteen witnesses testified in the hearings. Three were cooperative; the remaining thirteen were antagonistic and defiant.

Robert J. Dixon, Jr., who had been the president of a local of the Communist-controlled United Electrical Workers Union prior to his break with the Communist Party in 1950, identified eight of the uncooperative witnesses who were subpoenaed to testify in the hearings as persons known by him to have been members of the Communist Party. All eight invoked the first and fifth amendments when asked if they were presently, or had ever been, members of the party.

Bernard Zick, another former Communist who had broken with the conspiracy in 1950, identified six of the unfriendly witnesses as persons known to him to have been members of the party when he was active in it. These six witnesses also relied on the first and fifth amendments when asked about present and past Communist Party membership.

Dennis James, who had served as an FBI undercover operative in the Labor Youth League for several years prior to his appearance in the Newark hearings, testified on the activities of that organization in the area and also about the activities of some of the uncooperative witnesses in the Labor Youth League, which is the youth arm of the Communist Party.

Louis Malinow, Kate Heck, and Emanuel Cantor invoked the first and fifth amendments when questioned about present Communist Party membership and also about their activities in the Communist Party underground in the years 1952-57.

Mr. Irving Fishman, deputy collector of customs, New York City, testified in the hearings on the extensive dissemination of Communist propaganda of foreign origin within the New Jersey area.

Evelyn Skoloff Goldberg, identified as a Communist Party member in the hearings, invoked the first and fifth amendments when asked about her activities as a distributor of Communist propaganda in the area. She also invoked the first and fifth amendments when questioned about her present Communist Party membership and activities.

Harvey O'Connor, a writer who is chairman of the Emergency Civil Liberties Committee, was subpoenaed to testify before the committee when he appeared in Newark to speak at a rally staged by that organization's local chapter. The rally was held to arouse opposition to this committee's appearance in Newark. The Emergency Civil Liberties Committee, which has been cited as a Communist front, has for

its stated objective the abolition of this committee and the curbing of security work by the Federal Bureau of Investigation.

Mr. O'Connor refused to appear in answer to his subpoena. He sent a letter to the committee and issued a statement to the press challenging the right of the committee to hold hearings and to subpoena him, or anyone else, as a witness.

COMMUNIST INFILTRATION AND ACTIVITIES IN NEWARK, N. J.

WEDNESDAY, SEPTEMBER 3, 1958

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Newark, N. J.

PUBLIC HEARINGS

A subcommittee of the Committee on Un-American Activities met, pursuant to call, at 10 a. m., in Courtroom No. 1, Post Office Building, Newark, N. J., Hon. Edwin E. Willis (subcommittee chairman), presiding.

Committee members present: Representatives Edwin E. Willis, of Louisiana, and Gordon H. Scherer, of Ohio.

Staff members present: Richard Arens, staff director, and Raymond T. Collins and Frank Bonora, investigators.

Mr. WILLIS. The committee will be in order.

Let there be incorporated in the body of the record the Resolution of the Committee on Un-American Activities authorizing and directing the holding of the instant hearings here in Newark.

(The information referred to follows:)

BE IT RESOLVED, that a hearing by the Committee, or a subcommittee thereof, to be held in Newark, New Jersey, or at such other place or places as the Chairman may designate, on such date or dates as the Chairman may determine, be authorized and approved, including the conduct of investigations deemed reasonably necessary by the staff in preparation therefor, relating to the following subjects and having the legislative purpose indicated:

1. The extent, character, and objects of Communist infiltration and Communist Party activities within various local civic and social organizations, the legislative purpose being:

(a) To obtain additional information for use by the Committee in its consideration of Section 16 of H. R. 9352, relating to the proposed amendment of Sec. 4 of the Communist Control Act of 1954, prescribing a penalty for knowingly and wilfully becoming or remaining a member of the Communist Party with knowledge of the purpose or objects thereof; and

(b) To obtain additional information, adding to the Committee's overall knowledge on the subject so that Congress may be kept informed and thus prepared to enact remedial legislation in the National Defense, and for internal security, when and if the exigencies of the situation require it.

2. Communist techniques and strategy in Communist organizational activities, the legislative purpose being set forth under items 1 (a) and 1 (b) of this resolution.

3. The extent, character, and objects of Communist Party underground activities, the legislative purpose being set forth under items 1 (a) and (b) of this resolution.

4. Entry and dissemination in the State of New Jersey of foreign Communist Party propaganda, the legislative purpose being to determine the necessity for, and advisability of, amendments to the Foreign Agents Registration Act, designed

more effectively to counteract the Communist schemes and devices now used in avoiding the prohibitions of the Act.

5. Any other matter within the jurisdiction of the Committee which it, or any subcommittee thereof, appointed to conduct this hearing may designate.

Mr. WILLIS. Let there likewise be incorporated in the body of the record the order of appointment of the subcommittee to conduct the hearings.

(The information referred to follows:)

WASHINGTON, August 7, 1958.

TO: Mr. Richard Arens
Staff Director

House Committee on Un-American Activities

Pursuant to the provisions of law and the rules of this Committee, I hereby appoint a subcommittee of the Committee on Un-American Activities, consisting of Representatives Clyde Doyle and Gordon H. Scherer, as associate members, and Representative Edwin E. Willis, as Chairman, to conduct hearings in Newark, New Jersey, Wednesday, Thursday and Friday, September 3, 4 and 5, 1958, at 10:00 a. m., on subjects under investigation by the Committee and take such testimony on said days or succeeding days, as it may deem necessary.

Please make this action a matter of Committee record.

If any Member indicates his inability to serve, please notify me.

Given under my hand this 7th day of August, 1958.

FRANCIS E. WALTER,

Chairman, Committee on Un-American Activities.

Mr. WILLIS. The hearings which begin today in Newark are in furtherance of the powers and duties of the Committee on Un-American Activities, pursuant to Public Law 601 of the 79th Congress, which not only establishes the basic jurisdiction of the committee but also mandates this committee, along with other standing committees of the Congress, to exercise continuous watchfulness of the execution of any laws, the subject matter of which is within the jurisdiction of the committee.

In response to this power and duty, the Committee on Un-American Activities is continuously in the process of accumulating factual information respecting Communists, the Communist Party, and Communist activities which will enable the committee and the Congress to appraise the administration and operation of the Smith Act, the Internal Security Act of 1950, the Communist Control Act of 1954, and provisions of the Criminal Code relating to espionage, sabotage, and subversion. In addition, the committee has before it numerous proposals not yet in the form of legislation but for the purpose of strengthening our legislative weapons to protect the internal security of this Nation.

In the course of the last few years, as a result of hearings and investigations, this committee has made over 80 separate recommendations for legislative action. Legislation has been passed by the Congress embracing 35 of the committee recommendations, and 26 separate proposals are currently pending in the Congress on subjects covered by other committee recommendations. Moreover, in the course of the last few years, numerous recommendations made by the committee for administrative action have been adopted by the executive agencies of the Government.

The hearings here in Newark are in furtherance of a project of the committee on current techniques of the Communist conspiracy, its changing tactics, its propaganda, and its modes of operation.

Today, the Communist Party, though reduced in size as a formal entity, is a greater menace than ever before. It has long since divested itself of unreliable elements. Those who remain are the hard-core, disciplined agents of the Kremlin on American soil. Most of the Communist Party operation in the United States today consists of underground behind-the-scenes manipulations. The operation is focused at nerve centers of the Nation and masquerades behind a facade of humanitarianism.

We know that the strategy and tactics of the Communist Party are constantly changing for the purpose of avoiding detection and in an attempt to beguile the American people and the Government respecting the true nature of the conspiracy. As we on the Committee on Un-American Activities seek to develop factual information on these changing strategies and tactics for our legislative purposes, we are constantly met with numerous and unfounded charges respecting the nature of our work and our objectives. Such charges, however, will not dissuade us from our duty. We seek the facts and only the facts. Insofar as it is within the power of this committee, as a part of the United States Congress, we shall obtain the facts and we shall do so within the framework of carefully prescribed procedures of justice and fair play.

In the course of the last several hearings of the committee, we have discovered a new technique practiced by Communists for the purpose of disguising their operations. Persons who have been identified by responsible witnesses before us, under oath, as Communists have themselves denied present technical membership in the Communist Party for the period of time beginning with the announcement of our committee hearings. Time and time again we have seen instances in which hard-core leaders of the conspiracy deny, while they are under oath, that they are present members of the Communist Party, but refuse to testify respecting past membership as recent as a week or so prior to the hearings or with respect to their contemplated future actions. This situation, coupled with our other sources of information, compel us to conclude that they have resigned technical membership solely for the purpose of attempting to deceive and are, in truth, part of the dynamic operation of the conspiracy.

Preliminary investigations in this area by the staff of the committee indicate two important patterns of activity in the Newark area which are of especial concern to the committee.

The first is that persons who have heretofore been active in the aboveground operations of the Communist Party are digging deeper into the underground apparatus where they are intensifying their activities.

The second is the concentration of Communist propaganda efforts in this area. We shall receive testimony here, as we have elsewhere, respecting the increasing flood of Communist propaganda which is being imported into the United States from abroad.

May I emphasize that the purpose of the committee here in Newark is to develop facts with reference to a pattern of operation and not to attempt to exhaust the subject matter. We have not subpoenaed witnesses for these hearings merely for the sake of their exposure or to put on a show. We are engaged in the serious business of tracing the operations in the United States of a worldwide

conspiracy which is determined to destroy us. Should we attempt to interrogate in these hearings all possible witnesses on whom we have leads regarding Communist activity in this area, we would be here for many weeks to the neglect of our other work elsewhere pertaining to other patterns of Communist activity in other parts of the Nation.

It is a standing rule of this committee that any person identified as a member of the Communist Party during the course of the committee hearings will be given an early opportunity to appear before this committee, if he desires, for the purpose of denying or explaining any testimony adversely affecting him. It is the policy of the committee to accord any witness the privilege of being represented by counsel; but under the rules of this committee, counsel's sole and exclusive prerogative is to advise his client.

I would remind those present that a disturbance of any kind or an audible comment during the hearing will not be permitted. This is a serious proceeding in which we are earnestly trying to discharge an important and arduous duty, with the general objective of maintaining the security of this great Nation.

I now remind the audience that under standing orders of the building there is to be no smoking in the courtroom.

On my right is Mr. Scherer of Ohio. Do you care to make any general comments at this time?

Mr. SCHERER. I have nothing, Mr. Willis.

Mr. WILLIS. By the way, I just received a telegram in my capacity as chairman of this subcommittee from Robert E. Kearney, Commander of the Headquarters Department of New Jersey Veterans of Foreign Wars. It says:

Members of Congress, Members of Un-American Activities Committee, Federal Court Building, Newark, N. J., New Jersey's Veterans of Foreign Wars welcome your committee to our State and pledge you our sincere cooperation in your legislative and patriotic endeavor to stamp out subversive and un-American activities in our country. I have by a copy of this telegram requested our Americanism chairman, past State Commander Charles E. Kenny, of Newark, to aid, assist, and cooperate with your committee in its activity as you may deem desirable and proper. Past Commander Kenny can be reached by telephone,

and the number is given.

We will certainly accept that kind offer and cooperate in every way possible with Commander Kenny, and we extend our appreciation to this fine organization for its offer of cooperation in connection with these hearings.

Now, Mr. Counsel, will you please call your first witness?

Mr. ARENS. Kitty Heck, kindly come forward.

Please remain standing while the chairman administers an oath to you.

Mr. WILLIS. Will you kindly raise your right hand?

Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Miss HECK. I do.

Mr. Chairman, may I ask the photographers not to take pictures now?

Mr. WILLIS. That order will be respected.

May I say, so we need not repeat it, that under our system of freedom of the press a witness is not under the control of this committee until that witness has been sworn and has prepared to testify. Thereafter the witness is under the jurisdiction of the committee.

Proceed, Mr. Counsel.

**TESTIMONY OF KATE (KITTY) HECK, ACCOMPANIED BY COUNSEL,
JOSEPH FORER**

Mr. Arens. Kindly identify yourself by name, residence, and occupation.

Miss HECK. My name is Kate Heck, and I live in Newark, N. J. As to my occupation, I am now unemployed as a direct result of this committee. I was called before an executive session. I appeared there and I was subpoenaed to an open hearing; and when I so informed my employers, I lost my job.

Mr. ARENS. You are appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Miss HECK. Yes, sir.

Mr. ARENS. And you are represented by counsel?

Miss HECK. I am.

Mr. ARENS. Counsel, kindly identify yourself on this record.

Mr. FORER. Joseph Forer, Washington, D. C.

Mr. ARENS. Can you tell us at the outset, please, any other names by which you have been known, other than the name pursuant to which you are appearing today?

(The witness conferred with her counsel.)

Miss HECK. Mr. Counsel, I am going to refuse to answer that question, first of all, based on the fact that I don't believe this committee is accomplishing any legislative purpose, its authority is very vague and that has been indicated in the decision by the Supreme Court and, secondly, on the basis of the fifth amendment, which guarantees me the right to refuse to answer questions which may cause me to be a witness against myself.

Mr. ARENS. Do you honestly apprehend that if you told this committee, while you are under oath, whether or not you have been known by any names, other than the name Kitty Heck, under which you are appearing today, you would be supplying information which might be used against you in a criminal proceeding?

Mr. FORER. It is Kate Heck, not Kitty.

Mr. ARENS. Would you kindly answer the question?

Miss HECK. I feel there is just a possibility that—

Mr. ARENS. Please tell us where you were born.

Miss HECK. I was born in Newark.

Mr. ARENS. And please give us a word about your education.

(The witness conferred with her counsel.)

Miss HECK. I went to grammar school here in Newark and high school here in Newark, a graduate of high school.

Mr. ARENS. Did that complete your formal education?

Miss HECK. I did have some extension courses at universities.

Mr. ARENS. At what universities did you have extension courses?

Miss HECK. The Newark Extension of New York University.

Mr. ARENS. And would you kindly tell us when you completed your formal education?

Miss HECK. I completed my formal high-school education, I believe, in 1929.

Mr. ARENS. Would you kindly tell us, then, the first principal employment which you had after you completed your high-school education?

Miss HECK. Mr. Counsel, I am going to refuse to answer any questions with reference to——

Mr. WILLIS. Please talk a little louder.

Miss HECK. I beg your pardon?

Mr. WILLIS. Please talk a little louder.

Miss HECK. I am going to refuse to answer any questions with reference to my employment. I don't believe this committee means any good to me. I have heretofore lost one job as a result of the activities of the committee and I don't want to hurt myself any further by discussing my employment.

Secondly, this committee had full opportunity to question me while I was in Washington at a closed hearing. And therefore, in my opinion, this questioning is merely for exposure for exposure's sake, which, as I understand it, the Supreme Court says is not one of the functions, not one of the powers of Congress, and, secondly, on the basis of the fifth amendment, which guarantees me the right to refuse to answer questions which may cause me to be a witness against myself.

Mr. ARENS. How long did your first employment endure, your first principal employment after you completed your formal education?

(The witness conferred with her counsel.)

Miss HECK. I refuse on the same grounds.

Mr. ARENS. Without naming your employer, could you tell us the nature of your employment, such as that you were an office worker?

Miss HECK. I am going to refuse to answer that on the same ground, sir.

Mr. SCHERER. Do you honestly believe, Witness, that to answer the question as to the nature of your first employment might lead to a criminal prosecution? Do you honestly believe that?

(The witness conferred with her counsel.)

Miss HECK. Well, I think there is such a possibility.

Mr. SCHERER. Is there anything in your first employment that was illegal or of a criminal nature?

(The witness conferred with her counsel.)

Miss HECK. I am going to refuse to answer on the same grounds.

Mr. SCHERER. In view of her answer, I ask that you direct the witness to answer the question.

Mr. WILLIS. I direct you to answer the question, which simply indicates that we do not agree that you are properly invoking the constitutional privileges you enumerated.

Miss HECK. I am sorry.

(The witness conferred with her counsel.)

Miss HECK. I am going to abide by my refusal.

Mr. ARENS. Have you had any employment since you completed your formal education concerning which you can tell this committee without giving information which, in your judgment, might be used against you in a criminal proceeding?

(The witness conferred with her counsel.)

Miss HECK. I am afraid I don't understand that question. It got a little involved for me.

Mr. ARENS. I will put it a little differently, then. Have you been engaged in any employment since you finished your education that you can tell us about without giving information which, in your judgment, might be used against you in a criminal proceeding?

(The witness conferred with her counsel.)

Mr. ARENS. In other words, have all of your employments since you completed your formal education been of a nature that if you told us about that employment, you would be giving information that could be used against you in a criminal proceeding?

(The witness conferred with her counsel.)

Miss HECK. I am going to refuse to answer that on the grounds previously stated.

Mr. ARENS. Have you ever used the name of Evelyn?

Miss HECK. Again I am going to refuse to answer that on the grounds previously stated.

Mr. ARENS. How long did your first employment endure?

(The witness conferred with her counsel.)

Miss HECK. I am going to refuse to answer that again, Mr. Counsel, on the same grounds.

Mr. ARENS. How many different employments have you had since you completed your formal education?

Miss HECK. Again I am going to refuse to answer that on the same grounds.

Mr. ARENS. How long did your last employment endure?

(The witness conferred with her counsel.)

Miss HECK. I am going to refuse to answer that on the same grounds.

Mr. ARENS. In what city were you employed?

(The witness conferred with her counsel.)

Miss HECK. I am going to refuse again on the same grounds.

Mr. ARENS. Have you ever been employed professionally in Newark, N. J.?

(The witness conferred with her counsel.)

Miss HECK. I refuse to answer on the same grounds.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer that question.

Mr. WILLIS. What was the question?

Mr. ARENS. The question is: Have you ever been employed professionally in Newark, N. J.?

Mr. WILLIS. Yes. I will order you to answer that question, particularly since you voluntarily said, obviously for self-serving reasons——

Miss HECK. I can't hear you, sir.

Mr. WILLIS. That you lost your employment because of the actions of this committee. You were anxious to let the press know all about that. So I think it is a proper question and I will direct you to answer the question as to whether you have ever been professionally employed in this area.

(The witness conferred with her counsel.)

Miss HECK. I am going to abide by my refusal to answer on the same grounds.

Mr. SCHERER. Mr. Chairman, I do not know what the committee's investigation discloses as to this witness' employment record. What does our record show as to her employment, Mr. Counsel?

Mr. ARENS. We have information to the effect that professionally this witness has been employed on two occasions by organizations which are dominated or controlled by the Communist Party. It has also been suggested to us that over a period of time, and I expect to interrogate her respecting it, she has been deep in the underground conspiratorial apparatus of the Communist Party. I expect to interrogate her on that and try to elicit from her at least some tidbits of information that might confirm a pattern that we have been developing elsewhere, Congressman.

Mr. SCHERER. Witness, you heard the statement of counsel in response to my question. Is there anything that he said that is untrue?

(The witness conferred with her counsel.)

Miss HECK. Well, sir, as far as I can tell, counsel has just given some opinions. I don't think that he has given any facts. I think they were just generalized statements that he was making.

Mr. SCHERER. Whether they are facts or opinions, is anything he said untrue or are his—you classified them as opinions, I think he stated facts; but let's classify them as opinions—are his opinions erroneous? Are they consistent with the facts as you know them, or are they not consistent with the facts?

(The witness conferred with her counsel.)

Miss HECK. I am going to refuse to answer that on the grounds previously stated.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that at one period of your career you were engaged by the United Electrical, Radio and Machine Workers of America, which has been shown repeatedly by congressional committees to be under the control of the Communist operation in this country. Kindly affirm or deny that assertion.

(The witness conferred with her counsel.)

Miss HECK. First of all, I wonder whether we may have some water at this table. Secondly, it seems to me that question had several parts and was somewhat involved. I wonder if you can break it down for me.

Mr. ARENS. Yes; I will be glad to.

Miss HECK. Thank you.

Mr. ARENS. Have you ever been employed by the United Electrical, Radio and Machine Workers of America, commonly known as UE?

(The witness conferred with her counsel.)

Miss HECK. I am going to refuse to answer for the same reasons.

Mr. ARENS. Have you, in the course of your career, been in the underground apparatus of the Communist conspiracy in the United States?

(The witness conferred with her counsel.)

Miss HECK. Well, frankly, I don't know what you mean. I think you used a very broad term. I am not sure I understand it. I would prefer if you would ask me some specific questions.

Mr. ARENS. I will be glad to try. Were you in attendance in March, on March 17, 1957, at a second-session meeting of the Communist Party of New England held at Roxbury, Mass., on Otisfield Street?

Miss HECK. Would you repeat that question, sir?

Mr. ARENS. Yes, ma'am. Were you on March 17, 1957, in attendance at a Communist Party session held on Otisfield Street in Roxbury, Mass.?

(The witness conferred with her counsel.)

Miss HECK. I am going to refuse to answer that on the same ground that I gave before.

Mr. ARENS. That was part of the underground operation of the Communist Party, was it not?

(The witness conferred with her counsel.)

Miss HECK. What, specifically, was part of what you call this underground?

Mr. ARENS. The session held at Otisfield Street, Roxbury, Mass., March 17, 1957. You were functioning there as part of the underground apparatus of the Communist Party, were you not?

(The witness conferred with her counsel.)

Miss HECK. I am going to refuse to answer any questions about the alleged meeting for the reasons that I gave before.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that on March 17, 1951, you were in attendance at a session of the Communist Party of New England held on Otisfield Street at Roxbury, Mass.

Mr. FORER. Did you mean 1951?

Mr. ARENS. Kindly affirm or deny that fact.

Miss HECK. What date did you give, sir?

Mr. ARENS. March 17, 1957.

Miss HECK. I am going to refuse to answer on the grounds I gave you before.

Mr. ARENS. Do you know a person by the name of Bess Jones?

(The witness conferred with her counsel.)

Miss HECK. I am going to refuse to answer that on the same grounds, too.

Mr. ARENS. How long have you lived at your present address?

(The witness conferred with her counsel.)

Miss HECK. I am going to refuse to answer that on the grounds I gave you before.

Mr. ARENS. What city did you live in immediately prior to the city in which you presently reside?

Miss HECK. I am going to refuse to answer that based on the grounds I gave before.

Mr. ARENS. Do you honestly apprehend that if you told this committee truthfully, while you are under oath, where you lived immediately prior to your present address, you would be supplying information which might be used against you in a criminal proceeding?

(The witness conferred with her counsel.)

Miss HECK. There is such a possibility.

Mr. ARENS. Do you know a person by the name of Ernst Pollock?

(The witness conferred with her counsel.)

Miss HECK. I am going to refuse to answer that on the grounds previously given.

Mr. ARENS. Do you know a person by the name of Armando Penha?

Miss HECK. I am going to refuse to answer that question on the grounds previously given.

Mr. ARENS. Both of these men took an oath before the Committee on Un-American Activities and testified that while they were in the Communist operation, in the Communist Party in the United States, they knew you as a Communist. This identification runs up to just the last few months. We want to give you an opportunity now, while you are under oath, to deny these assertions, these statements made under oath. Do you care to avail yourself of that opportunity?

(The witness conferred with her counsel.)

Miss HECK. At this time and before this body, I don't care to.

Mr. ARENS. You recognize that you are under oath when you say, "at this time and before this body," do you not? You recognize you are presently under oath?

Miss HECK. Yes.

Mr. ARENS. And you recognize that if you would deny testimony made under oath by responsible witnesses, somebody would probably be prosecuted for perjury, do you not?

Miss HECK. I don't recognize that at all. You asked me if I cared to answer.

Mr. ARENS. Then would you kindly answer the question, were Armando Penha and Ernst Pollock in error when they told this committee, while they were under oath, that they knew you as a member of the hard-core of the Communist operation?

Miss HECK. I am going to refuse to answer that on the reasons previously given.

Mr. ARENS. When you say that before this forum, do you anticipate that after you are released from your oath, released from the possible pains and penalties of perjury before this committee, you will issue some type of statement saying, "Of course I am not a Communist, of course I have never been a Communist, but I wasn't going to tell that Committee on Un-American Activities whether or not I am a Communist"?

(The witness conferred with her counsel.)

Miss HECK. First of all, I don't understand what you are talking about. I am being questioned here—

Mr. ARENS. You said you are not going to answer in front of this forum here, which left the implication that you might answer elsewhere when you are released from the pains and penalties of any possible false statements under oath. That is the reason I asked you if you anticipate that when you are released from your subpoena here, released from the possible pains and penalties of perjury, you would then make a statement to the public to the effect that you are not a Communist.

(The witness conferred with her counsel.)

Miss HECK. I don't understand your question, and, secondly, Mr. Counsel, if I do wish to make a statement I will make it in my own words and I don't expect Mr. Counsel to do the wording for me.

Mr. SCHERER. Mr. Chairman, I ask you to direct the witness to answer the question. She, by her own voluntary statement to this committee, said she would not answer the question in front of this body at this time. And I think counsel is correct when he says that such a statement by her leaves the inference she is going to answer someplace else. I think he has a perfect right, in view of her voluntary statement, then, to ask her the question that is now pending. I ask you to direct the witness to answer the question.

Mr. WILLIS. Yes. I direct you to answer that question because you opened up the very door that led to the question. You did not invoke the protection of any constitutional privilege.

Miss HECK. Frankly, sir——

Mr. WILLIS. You said with an obvious slant and sneer that you would not answer this question at this time and before this body.

(The witness conferred with her counsel.)

Mr. FORER. Mr. Chairman, you are directing the witness to answer, but the witness answered the question to the extent she understood it.

Mr. WILLIS. She hasn't answered——

Miss HECK. What is your question now?

Mr. WILLIS. —pursuant to my direction.

Mr. FORER. She answered the question.

Mr. WILLIS. You know the rules and know she has been directed to answer. And you know it is a foundation.

Mr. FORER. Suppose you state the question, then, because neither of us understands it, and it is a nonintelligible question, and I can't see how you expect the witness to answer.

Mr. WILLIS. I do not want you to debate with the Chair. You know the rules of the committee. You have appeared many times before it.

Mr. Counsel, will you repeat the question and then the order to answer will follow.

Mr. ARENS. You said, in effect, a few moments ago that you would not answer certain questions before this forum at this time, leaving in my mind and in the mind of Congressman Scherer also, as evidenced by his statement, the impression that you did perhaps anticipate making statements before some other forum as to whether or not you are engaged in Communist activities. I then asked you this question: Do you anticipate, when you are released from the pains and penalties of possible perjury, released from your oath before this committee, issuing public statements to the effect that you are not a Communist?

(The witness conferred with her counsel.)

Mr. SCHERER. Whether eminent counsel can understand that question or not, I can.

Mr. WILLIS. And since the question is a repetition of the one that we understood before, I now direct you to answer it.

Miss HECK. I am sorry, I didn't hear you, sir.

Mr. WILLIS. I now direct you to answer that question.

(The witness conferred with her counsel.)

Miss HECK. Would you repeat the question for me?

Mr. SCHERER. No.

Mr. WILLIS. No; the question will not be repeated. You will answer it or let the record blank.

Miss HECK. I have had no anticipation. I now——

Mr. WILLIS. Proceed with the next question, Counsel.

Mr. ARENS. We are now going to display to you certain documents bearing signatures, which have come to the possession of this committee by legal devices. They are all nominating petitions for persons who were seeking public office on the Communist Party ticket at various dates, all of which bear the signature "Kate Heck."

Kindly look at these documents as Mr. Bonora of our staff displays them to you, and tell this committee whether or not the signature on

those documents, "Kate Heck," is a true and correct reproduction of your own signature affixed to the original document.

(The documents were displayed to the witness.)

(The witness conferred with her counsel.)

Miss HECK. I am going to refuse to answer that question on the ground previously stated.

Mr. ARENS. Mr. Chairman, I respectfully suggest that each of the documents which has been displayed to the witness, as well as other documents exhibited during these hearings, be appropriately marked and incorporated by reference in this record unless otherwise directed.

Mr. WILLIS. So ordered.

(Documents marked "Heck Exhibit No. 1," and retained in committee files.)

Mr. ARENS. Have you ever used the name of B. Brosser?

Miss HECK. I am going to refuse to answer that question based on the reasons previously given.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that you did use the name of B. Brosser in the underground apparatus of the Communist Party while you were active there in 1957, in Boston. Please affirm or deny that.

Miss HECK. I am going to refuse to answer that.

Mr. ARENS. Did you ever live in Boston?

Miss HECK. I am going to refuse to answer that question on the grounds previously stated.

Mr. ARENS. Did you ever live at 94 Bay State Road in Boston?

Miss HECK. I am going to refuse to answer that on the grounds previously given.

Mr. ARENS. Do you know a person by the name of Robert Dixon?

(The witness conferred with her counsel.)

Miss HECK. I am going to refuse to answer that.

Mr. ARENS. Mr. Chairman, in the presence of the witness, I respectfully suggest another witness be called and an oath be administered to that witness.

Mr. Robert Dixon, would you kindly come forward and remain standing while the chairman administers an oath to you?

Mr. WILLIS. Please raise your right hand.

Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. DIXON. I do, sir.

TESTIMONY OF ROBERT J. DIXON, JR.

Mr. ARENS. Mr. Dixon, I expect to interrogate you at length a little later on. For present purposes kindly identify yourself by name, residence, and occupation.

Mr. DIXON. Robert J. Dixon, Jr. I live at Point Pleasant, N. J. I am a welder in General Electric Co. for the past 22 years.

Mr. ARENS. Mr. Dixon, have you ever been a member of the Communist Party?

Mr. DIXON. I have.

Mr. ARENS. Give us, for the present purposes, the dates on which you were a member of the Communist Party, over what period of time.

Mr. DIXON. Oh, from 1945 through early 1950.

Mr. ARENS. During the course of your membership in the Communist Party, did you know as a Communist a person by the name of Kitty Heck?

Mr. DIXON. I did.

Mr. ARENS. Do you see that person in the courtroom now?

Mr. DIXON. I do.

Mr. ARENS. Would you kindly point her out to the committee?

Mr. DIXON. At my left [indicating].

Mr. ARENS. Is there any doubt in your mind, Mr. Dixon, that the person whom you have just pointed to and identified as the person known by you to be Kitty Heck was a member of the Communist Party?

Mr. DIXON. No, sir.

Mr. ARENS. You are excused for the time being, Mr. Dixon.

TESTIMONY OF KATE HECK—Resumed

Mr. ARENS. Miss Heck, you have just heard the testimony of Robert Dixon, in which he has identified you, while he was under oath, as a person known by him to have been a member of the Communist Party. Do you care to affirm or deny—

Miss HECK. Mr. Chairman, what happened to your ruling that no pictures would be taken during the course of time that a person was under the jurisdiction of the committee?

Mr. WILLIS. They are taking the picture of the next witness.

Mr. ARENS. Now, would you kindly answer the question?

Miss HECK. Would you repeat it?

Mr. ARENS. Was Mr. Dixon in error or was he telling the truth when he just told this committee, while he was under oath, that while he was in the Communist Party he knew you as a Communist?

(The witness conferred with her counsel.)

Miss HECK. I am going to refuse to answer that on the ground I have given you before.

Mr. ARENS. Miss Heck, it is the information of this committee that you have, up to and including the recent past, been deep in the conspiratorial underground apparatus of the Communist Party in the United States. It is the belief of the committee that you have, or now possess, very valuable, important information respecting the Communist Party underground operations, particularly in the New Jersey and in the New England areas. Under the law, the Immunity Act, the Committee on Un-American Activities is empowered to initiate proceedings whereby a witness may be granted immunity from criminal prosecution if that witness testifies fully and completely on the subject matter within the jurisdiction of this committee. If this Committee on Un-American Activities should initiate proceedings whereby you would be immune from criminal prosecution, would you then, if those proceedings were consummated, testify fully and freely respecting the Communist Party activities of which you may have knowledge?

(The witness conferred with her counsel.)

Miss HECK. Well, first of all, immunity would not remove other objections which I have to the questions, and, secondly, to protect myself I have hired counsel, and my lawyer tells me that he doesn't think that this committee has the power to grant immunity.

Mr. ARENS. Now will you answer this question: Are you now, this minute, this day, September 3, 1958, a member of the Communist Party?

(The witness conferred with her counsel.)

Miss HECK. I am going to refuse to answer that based on the answer I gave before, that based on the protection of the first amendment of the Constitution, and based on the fifth amendment, which guarantees my right to refuse to answer questions which may cause me to be a witness against myself, I am going to refuse to answer that question.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. WILLIS. The witness will be excused.

We will take an informal recess.

(Members present at the time of the recess: Representatives Willis and Scherer.)

(Brief recess.)

(Members present after the recess: Representatives Willis and Scherer.)

Mr. WILLIS. Counsel, please call your next witness.

I think he has been sworn already.

Mr. ARENS. If you please, Mr. Chairman, we would like to resume with Mr. Robert Dixon, who has been sworn.

Mr. WILLIS. All right. Proceed.

TESTIMONY OF ROBERT J. DIXON, JR.—Resumed

Mr. ARENS. Mr. Dixon, you have been sworn on this record and have identified yourself by name, residence, and occupation.

Give us just a word, please, about your own personal background, where and when were you born?

Mr. DIXON. Schenectady, N. Y., 1912.

Mr. ARENS. And a word about your education, please.

Mr. DIXON. High school, East Orange, N. J.

Mr. ARENS. Please tell us about the principal employments which you have had in the course of your life.

Mr. DIXON. Practically only one, General Electric Co., 22 years.

Mr. ARENS. In what capacity? I believe you told us but you might tell us again.

Mr. DIXON. A welder, an electric welder.

Mr. ARENS. Kindly tell us, Mr. Dixon, what occasioned your joining the Communist Party. Give us a word about that, please, sir.

Mr. DIXON. I have a background in the labor movement. I was president of my local.

Mr. ARENS. What local was that, please, sir?

Mr. DIXON. United Electrical Local 422. In the early forties I was active in the union for a good many years; and during the war years there, I was constantly under pressure to join the party by those in the plants who did belong to the party. And finally, in around 1945, I believe, just prior—

Mr. ARENS. You voluntarily joined the party?

Mr. DIXON. Yes, sir.

Mr. ARENS. Give us, if you will, please, sir, a thumbnail sketch of the various posts which you held in the Communist Party during your membership in that organization.

Mr. DIXON. Well, there practically was an industrial club, the Bloomfield Industrial Club or Bloomfield Electrical Industrial Club, one or the other, the name of it was. I held various positions within that club—treasurer, secretary, and things of that kind. I may have been chairman, I don't offhand remember, but I may have.

Mr. ARENS. Did you collect dues at any time?

Mr. DIXON. Yes, sir.

Mr. ARENS. Is that the only entity to which you were attached as a Communist?

Mr. DIXON. Prior to the setting up of the industrial clubs there were town or regional clubs, one or the other, that was set up; and I was in that for about 4 or 5 meetings, to my memory.

Mr. ARENS. Where did you first meet as a Communist in the industrial club?

Mr. DIXON. I believe it was Jim Moore's house in Bloomfield.

Mr. ARENS. Did you meet any place else?

Mr. DIXON. After Jim Moore moved, we had our meetings in Bernie Zick's house in Newark.

Mr. ARENS. I expect, in a little while, to interrogate you in detail with respect to other persons who served in the club as Communists, and the like; but I should like to now ask you, what occasioned your break with the Communist Party, as I understand it, in the early fifties?

Mr. DIXON. At the time, sir, there were the trials that were going on in New York with the national officials in the Communist Party; and what was brought out there was repugnant to me and disgusting, and I finally just quit and got out. That was all there was to it.

Mr. ARENS. You were in the party as a member who might be characterized as an idealist?

Mr. DIXON. Maybe so, yes.

Mr. ARENS. When you saw the light you did break, is that correct?

Mr. DIXON. Yes.

Mr. ARENS. Mr. Dixon, on the basis of your experience in the Communist Party and on the basis of the study which you have made since your actual break with the Communist Party, its operations, may I ask you two or three general questions.

First of all, how serious is the Communist operation right now?

Mr. DIXON. Well, it is probably worse than ever, being that it is underground, and where there can't be seen the actions they are doing. Like I say, it is probably worse now than it was 10 years ago.

Mr. ARENS. Has the party divested itself, or has there been a parting of company of people who were Communists but who were in the idealistic category such as yourself?

Mr. DIXON. Probably. I think at the time I got out, there was a big exodus from the party at that time of people who didn't believe that that was what they were there for. That wasn't what they believed in.

Mr. ARENS. Is the Communist Party in truth and in fact a political party or is it a conspiracy?

Mr. DIXON. Well, I don't believe it is a political party, sir. I think it is underground. It is a conspiracy. It would have to be.

Mr. ARENS. Would you tell us who were the people, known by you to a certainty to be members of the Communist Party, who were in the industrial club in which you served in various official capacities.

Mr. DIXON. Well, the membership changed over the years, with people coming in and out of it. There are some whom I do not remember. There were people who were in it for quite a few years, so my memory will serve me knowing of them. But when the industrial club was first set up, it was composed of about 15 people. I presumed that most of them got out years ago, but there were some that hung on all during this time. Principally we met in Jim Moore's house in Bloomfield.

Mr. ARENS. Was Jim Moore a member of the Communist Party?

Mr. DIXON. He was, sir.

Mr. ARENS. What did he do in the Communist Party industrial club?

Mr. DIXON. In the club I belonged to, he was probably the kingpin, the organizer, the one that kept it together, that called the meetings. Most of them, as I stated, were at his home.

Mr. ARENS. Was he a UE organizer?

Mr. DIXON. He was, sir.

Mr. ARENS. Has he since moved to another area for other operational purposes?

Mr. DIXON. I think he moved, I believe in 1949, to Chicago.

Mr. ARENS. Did you know as a Communist a person by the name of Jessie Scott Campbell?

Mr. DIXON. I did, sir.

Mr. ARENS. Can you give us a word about that person?

Mr. DIXON. She belonged to the Orange Branch prior to the setting up of the industrial clubs. Meetings that I attended there were held at the home of Rose Sell in, I believe it was, West Orange.

Mr. ARENS. Was Rose Sell a Communist?

Mr. DIXON. She was, sir.

Mr. ARENS. Is that last name S-e-l-l?

Mr. DIXON. That is right, sir.

Mr. ARENS. Is there any other observation or information that presently comes to your mind respecting Jessie Scott Campbell? Is she presently a resident of these parts?

Mr. DIXON. I haven't seen her in quite a number of years, sir.

Mr. ARENS. Did you know as a Communist a person by the name of Jerry McGrath?

Mr. DIXON. I did, sir.

Mr. ARENS. Give us a word about Jerry McGrath.

Mr. DIXON. He was the president of my local at the time that I joined the party.

Mr. ARENS. That was a local of UE?

Mr. DIXON. That is right, sir.

Mr. ARENS. Did you know as a Communist a person by the name of Joe Alfano?

Mr. DIXON. I did, sir.

Mr. ARENS. Could you give us a word about him?

Mr. DIXON. He was a member of the executive board of the local at the time that I joined the party.

Mr. ARENS. Did you know as a Communist a person by the name of Henry Lee?

Mr. DIXON. Yes, sir.

Mr. ARENS. Can you give us a word about him, please, sir?

Mr. DIXON. He was a member—he may have been either a steward or executive board member—of the local at the time I joined the party.

Mr. ARENS. Did you know as a Communist a person by the name of Tom Leavy?

Mr. DIXON. Yes, sir.

Mr. ARENS. How did he spell his last name, do you recall?

Mr. DIXON. L-e-a-v-y.

Mr. ARENS. Can you give us a word about him, please, sir?

Mr. DIXON. He was a member of the first industrial club that I belonged to and was a member of it, oh, I would say, 3 or 4 years, at least. He changed his employment, and at the time of changing employment he went out of that club into probably some other one.

Mr. ARENS. Did you know as a Communist a person by the name of Dorothy Leavy?

Mr. DIXON. Yes, sir.

Mr. ARENS. Can you give us a word about her, please, sir?

Mr. DIXON. Tom Leavy's wife, and attended the meetings with him.

Mr. ARENS. Did you know as a Communist a person by the name of Bernard Zick?

Mr. DIXON. Yes, sir.

Mr. ARENS. Can you give us a word about him, please, sir?

Mr. DIXON. He was a member of the Bloomfield Industrial Club for quite some time; and the latter years that I was in the party, most of the meetings were held at his home.

Mr. ARENS. Did you know as a Communist a person by the name of Sylvia Cohen?

Mr. DIXON. Yes, sir.

Mr. ARENS. Please give us a word about her.

Mr. DIXON. She was a UE organizer who was attached to the general area of my plant and belonged to the industrial club which I belonged to at some period of time.

Mr. ARENS. Did you, as a Communist, attend the indoctrination training courses that they had for the hard-core here?

Mr. DIXON. No, sir.

Mr. ARENS. Did you know as a Communist Kitty Heck, the lady who preceded you on the witness stand?

Mr. DIXON. I did, sir.

Mr. ARENS. Give us a word about her, please, sir, based upon your observations and associations with her as a Communist.

Mr. DIXON. She was a secretary to the president of the State organization of the UE, Jim McLeish, for, oh, to my own knowledge, say 12 years. She was a member of the county organization of the party. I believe she held the position of secretary at some time or other during that time, and she was a go-between, between the county organization and my club.

Mr. ARENS. Was she a go-between for the Communist Party operation and the labor organization, the UE?

Mr. DIXON. Yes, sir.

Mr. ARENS. Did she bring directives and instructions from the party to UE?

Mr. DIXON. To our industrial club, yes.

Mr. ARENS. What was the nature of the instructions which she brought?

Mr. DIXON. Well, on the general nature of some collection that might be going on or the selling of some pamphlets or the setting up of some kind of organization to collect funds or things of that nature.

Mr. ARENS. When you decided that you had had enough of the Communist Party, did anyone in the Communist Party undertake to pressure you to stay in the operation?

Mr. DIXON. No, sir.

Mr. ARENS. Did you have any conversations with Kitty Heck respecting your proposed disassociation from the party?

Mr. DIXON. Well, I believe she knew I was displeased with what was going on. I was no longer feeling the way that they thought I should feel, and I stopped attending meetings and got bawled out a few times for that.

Mr. ARENS. What benefit inures to the Communist Party by having its operatives in an industrial area, such as the Newark area, where there is considerable heavy industry?

Mr. DIXON. Well, innocently or not, those who belong to those clubs can always pass on information that the party could pick up and use. It is a means of organization within that plant which that member may belong to. He is always a contact point, or there may be others whom he could contact or try to contact.

Mr. ARENS. Did you know as a Communist a person by the name of Louis Malinow?

Mr. DIXON. I did, sir.

Mr. ARENS. Give us a word about him, please, sir.

Mr. DIXON. He was the county organizer for the Communist Party.

Mr. ARENS. What did he do as a county organizer for the Communist Party?

Mr. DIXON. He met with the local clubs, trying to organize their activities, trying to organize setups whereby more organizational work would go on within each plant or in each club.

Mr. ARENS. Was he active in the national operations of the Communist Party?

Mr. DIXON. That I don't know, sir.

Mr. ARENS. Was he active in UE?

Mr. DIXON. That I don't know, sir, either.

Mr. ARENS. Was he a full-time paid functionary of the Communist operation?

Mr. DIXON. Yes, I believe so.

Mr. ARENS. Mr. Chairman, I respectfully suggest that since we have interrogated this witness under oath on other ramifications of the Communist Party operations which are not the subject of the general area of inquiry of the committee here today, some of the information which he is prepared to give us is only cumulative. Inasmuch as I do not want to impose upon the committee's time by going into matters that have or will be testified to by other witnesses, I suggest, Mr. Chairman, that this witness' interrogation by the staff be concluded.

Mr. WILLIS. Any questions, Mr. Scherer?

Mr. SCHERER. No questions.

Mr. WILLIS. I think that is the proper way to proceed. And I want to take this opportunity to thank you for appearing before us, under oath, and giving us the benefit of your experience. The facts which

you have given when put side by side with the other facts that we have accumulated from Americans like yourself, show clearly that ours is the best form of government there is and that it is the one we want to preserve. On behalf of this committee I want to express again our appreciation for your cooperation.

Mr. ARENS. The next witness, if you please, Mr. Chairman, will be Mr. Louis Malinow. Kindly come forward.

Mr. MALINOW. May I request that no pictures be taken, sir?

Mr. WILLIS. Please raise your right hand.

Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. MALINOW. I do.

Miss KAUFMAN. The witness has requested no photographs be taken, Mr. Chairman. Would you please direct the photographers not to take pictures?

Mr. WILLIS. Sit down, please.

Proceed, Mr. Counsel.

**TESTIMONY OF LOUIS MALINOW, ACCOMPANIED BY COUNSEL,
MARY M. KAUFMAN**

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. MALINOW. My name is Louis Malinow. I am a resident of Newark, N. J., and I am a paperhanger. That is my occupation.

Mr. ARENS. Kindly give us your street address, Mr. Malinow.

Mr. MALINOW. 65 Treacy Avenue.

Mr. ARENS. You are appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. MALINOW. That is correct.

Mr. ARENS. And you are represented by counsel?

Mr. MALINOW. I am.

Mr. ARENS. Counsel, kindly identify yourself.

Miss KAUFMAN. Mary M. Kaufman, 201 West 85th Street, New York.

Mr. ARENS. Mr. Malinow, have you ever been known by any name other than the name Louis Malinow?

Mr. MALINOW. Mr. Arens, I would like to explain my answer to this in declining to answer. I believe, from what I have observed, both of the work of the committee and what I have read about the recent Supreme Court decisions, that this question is a complete invasion of my privacy, and I do not believe that this committee was authorized to ask such questions in connection with any specific legislative matters involved, and I, therefore, on the ground of the first and fifth amendment, I would respectfully decline to answer that question.

Mr. ARENS. Do you honestly apprehend that if you told this committee, while under oath, whether or not you have been known by any name other than the name Louis Malinow, you would be supplying information which might be used against you in a criminal proceeding?

Mr. MALINOW. Well, very frankly, sir, I would answer the question in the following way: I believe that from my observations and know-

ledge of the work of the committee, both as it was related to the last Newark hearings and elsewhere throughout the country, that this would constitute such a danger; but, in addition, I believe that the matter of the province of the work of this committee is going into areas that was not authorized by Congress and in which the Supreme Court, I believe, has very clearly stated the committee has no right to ask questions of that kind.

Mr. ARENS. You spoke about the last hearings of the committee. This is the first time you ever appeared before a congressional committee, is it not?

Mr. MALINOW. Yes, sir, but I read the newspapers.

Mr. ARENS. Kindly tell us where and when you were born.

Mr. MALINOW. I was born in New York City in 1917.

Mr. SCHERER. Before we go any further, Mr. Chairman, do I understand, Counsel, that you asked the witness if he used any name, other than the name, Louis Malinow?

Mr. ARENS. Yes, sir. And in response to the question, among other statements, he invoked his privilege under the fifth amendment.

Mr. SCHERER. What information does the committee have as to any other name he may have used?

Mr. ARENS. We do not have any specific name used by this man except that it is the information of the committee—and I propose to interrogate him about it in a few moments—that he likewise has been active in the underground of the Communist conspiratorial apparatus as a paid functionary of the conspiracy. We also know, from the patterns we have seen elsewhere in other parts of the country, that paid functionaries of the Communist conspiracy in these days generally do assume other names, other identifications, other social-security cards, and frequently take trips to areas where they will not be known, where they then perform functions of the conspiratorial apparatus.

Now, sir, kindly tell us a word about your education.

Mr. MALINOW. I went through grammar school and was graduated from high school in New York City.

Mr. ARENS. When did you graduate from high school?

Mr. MALINOW. Roughly around 1936.

Mr. ARENS. Did that complete your formal education?

Mr. MALINOW. Yes, sir.

Mr. ARENS. About how old were you then?

Mr. MALINOW. Graduated from high school?

Mr. ARENS. Yes, sir.

Mr. MALINOW. 18.

Mr. ARENS. Please tell us the first principal employment that you had after you completed your formal education.

Mr. MALINOW. I was employed as a worker in the fur industry; I was employed as a worker in the shipbuilding industry, and in the painting and paperhanging industry.

Mr. ARENS. Is that all of the employment you had, all of the jobs in which you were employed, or were there some others?

Mr. MALINOW. In respect to any other questions on employment, I respectfully decline to answer.

Mr. SCHERER. Wait a minute. He just respectfully declined to answer.

Mr. ARENS. Why?

Mr. MALINOW. I think I have heretofore made my position pretty clear, Mr. Arens. I believe there are areas of investigation that this committee does not have the right to probe into. And I believe that under my protection of the first and fifth amendments that I do not wish to answer this question.

Mr. ARENS. Over what period of time were you engaged in employment concerning which you cannot tell the committee without giving information that might be used against you in a criminal proceeding? (The witness conferred with his counsel.)

Mr. MALINOW. I think that is simply rephrasing the same question, Mr. Arens, and therefore I would respectfully decline to answer it.

Mr. ARENS. How long have you been engaged in your present employment?

Mr. MALINOW. Oh, I would say approximately a little over a year and a half.

Mr. ARENS. Are you now a member of the Communist Party?

Mr. MALINOW. Mr. Arens, I resent such a question because I think it is clearly an invasion of my personal, private political opinions and beliefs, and I respectfully decline to answer on those grounds and the grounds of the fifth amendment.

Mr. ARENS. Do you know the gentleman who preceded you on the witness stand?

Mr. MALINOW. I decline to answer that question on the same grounds.

Mr. ARENS. He just testified, while he was under oath, that when he was in the Communist Party for a period up to the early nineteen fifties, he knew you as a Communist and as a paid functionary of the Communist Party. We would like to give you now an opportunity to deny that testimony while you are under oath.

Do you care to avail yourself of that privilege?

Mr. MALINOW. Mr. Arens, isn't it a fact that the recent Supreme Court decision made very clear that the private political beliefs of an individual and his affiliations are a matter of his own right and that no committee has a right to invade those privileges? And I have answered the question.

Mr. ARENS. The Supreme Court held no such thing.

Mr. MALINOW. Beg your pardon, sir.

Mr. ARENS. The Supreme Court held no such thing.

(The witness conferred with his counsel.)

Mr. MALINOW. Well, it is my judgment and my opinion that these questions are completely out of the context of the purposes of this committee, and I will refuse to answer this and similar questions.

Mr. ARENS. Is the Communist Party a political party or is it a conspiratorial operation?

Mr. MALINOW. Mr. Chairman, I again respectfully decline to discuss the affairs or the program of the Communist Party, since I do not believe this is the province of this committee.

Mr. WILLIS. It is a strange doctrine indeed that anybody would say that the Supreme Court has held that Congress has no right to legislate with reference to protection of the country against the Communist conspiracy. If that were true, this would be a sad state of affairs indeed, because we are spending billions of dollars a year to fight the international conspiracy; and if a witness comes here with a

straight face and says it is none of the business of Congress to legislate with regard to the operations of the Communists within America, it is a sad state of affairs indeed.

Mr. MALINOW. Mr. Willis, I would like to clarify my answer, because I think that there are some matters, some of which you have referred to, which probably belong in the halls of public discussion, where people can express their political views on all questions. The question that I am raising, sir——

Mr. WILLIS. We try to give you an opportunity to discount it. Let's discuss it.

Mr. MALINOW. The question I am——

Mr. WILLIS. The witness who preceded you, did he lie or did he tell the truth when he said he knew you to have been a Communist? We will start discussing what goes on in the Communist Party after you answer that question. Did he lie or tell the truth?

Mr. MALINOW. My objections, sir, are based on the fact that I——

Mr. WILLIS. I order you to answer that last question. Did he lie or tell the truth?

Mr. MALINOW. I cannot answer that question yes or no. I would like to explain.

Mr. WILLIS. Yes, you can.

Proceed, Counsel.

Mr. ARENS. Mr. Witness, we want to display to you a photostatic reproduction of a document, an article appearing in the Communist Daily Worker of New York, Tuesday, June 20, 1950. This article is entitled "6,000 Sign on First Day of Jersey Campaign." I should like to read the article, because it is very brief:

Newark, June 19—Some 6,000 people signed peace petitions in the first day of mobilization in New Jersey, incomplete returns showed today. Jerseyites were rallied for the World Peace Appeal on Saturday in eight counties from Camden to Bergen. Outstanding responses came in Passaic and Paterson, where textile workers collected 2,119 signatures.

Leaders and members of the Communist Party participated along with other peace advocates. Canvassers included Martha Stone, Party chairman; Elwood Dean, state education director; Joe Fisher, state organizational secretary; Lou Malinow, Essex County organizer and Mary Adams, section organizer.

Kindly accommodate the Committee on Un-American Activities, if you please, sir, by glancing at that article where your name appears and where you are identified or characterized as an organizer of the Communist Party and tell this committee, while you are under oath, whether the information contained in that article is, to your certain knowledge, true or false.

Mr. MALINOW. Mr. Arens, I have heretofore respectfully declined to answer questions having to do with associations, with political beliefs, and political activities, and I wish to once again state that.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness now be ordered to answer the question or to invoke his privilege under the fifth amendment.

(The witness conferred with his counsel.)

Mr. WILLIS. You are directed to answer the question or to assign constitutional reasons why you do not.

Mr. MALINOW. I would respectfully decline to answer on the reasons stated and on the fifth amendment.

(Document marked "Malinow Exhibit No. 1," and retained in committee files.)

Mr. ARENS. We should like to display to you three other articles appearing in the Communist Daily Worker at various times—I will display them to you in proper sequence here—in which this organ of public information tells, first of all, about a Young Communist League National Convention. According to this article, a number of Y. C. L. county organizers from New York are participating, including Lou Malinow of the Bronx.

The next article is likewise from the Daily Worker, February 9, 1951, in which reference is made to a "Lewis" Malinow, Essex County Communist chairman, who participated in a certain peace movement. The third is an article appearing in the Communist Daily Worker of February 13, 1951. In this, Lou Malinow, Essex County Communist leader, is alleged to be chairing a meeting of Jerseyites who were going to honor Abraham Lincoln; and, according to this article, this Lou Malinow, Essex County Communist leader, is giving a speech respecting the right to revolution as a sacred right.

Kindly look at each of those articles, if you please, sir, while you are under oath before this committee, and tell this committee whether or not the information contained in each of those articles is true or false.

Mr. MALINOW. Mr. Arens, I think the fact, in this committee hearing, there are public documents being presented which comes from newspapers, and so on, only reaffirms my suspicion that it is not the intention of this committee to engage in questions of legislation, but is rather for the purpose of inquiring into the beliefs and political activities of the individuals which, as I stated previously, is an invasion of my rights as an American citizen; and, therefore, I respectfully decline to answer on the grounds of the first and the fifth amendments.

Mr. ARENS. Do you honestly apprehend that if you told this committee truthfully, while you are under oath, whether or not the information contained in these clippings which I have displayed to you is true, you would be supplying information which might be used against you in a criminal proceeding?

Mr. MALINOW. I have heretofore answered that question, Mr. Arens. I say that, based upon the experiences with this committee, that is a definite possibility. And I have also stated that, in my opinion, this committee has no right to enter into that area of investigation.

(Documents marked "Malinow Exhibit No. 2," and retained in committee files.)

Mr. ARENS. Have you ever run for public office?

Mr. MALINOW. Mr. Chairman, I resent such a question, because that is my right as an American citizen to run and not run, and I do not see what the purpose of that question is and respectfully decline to answer on the same grounds.

Mr. SCHERER. How can it possibly incriminate him to say whether he ran for public office? That certainly would be a public record. I ask you to direct the witness to answer that question. I want to know whether he ran. I have a right to know that.

Mr. WILLIS. You are directed to answer the question.

(The witness conferred with his counsel.)

Mr. MALINOW. Mr. Scherer, I have tried, as plainly as I can, to explain that, first of all, I am employing my rights under the fifth amendment and, secondly, I do not believe that this committee has

any right to inquire into my political beliefs or my political associations, and on those grounds I decline to answer.

Mr. ARENS. We display to you now, if you please, sir, a photostatic reproduction of a nominating petition of the Communist Party in which a person by the name of Louis Malinow, 920 South 16th Street, Newark, N. J., is running, according to this document, dated March 6, 1951, for the office of freeholder.

Kindly look at this document and tell this committee, while you are under oath, whether or not this is a true and correct reproduction of the original nominating petition in which your name appears as a candidate of the Communist Party.

Mr. MALINOW. Mr. Arens, I think it is highly ludicrous to present a petition for public office—what that has to do with conspiracy I will never know—and ask me whether or not I am related to it. And I have said before, and I state once again, that I refuse to be interrogated along those lines; and, therefore, under the grounds of the first and fifth amendments, I respectfully refuse to answer.

Mr. ARENS. Kindly look at the last page of this document where the name Louis Malinow appears and tell us whether or not that is a true and correct reproduction of your signature.

Mr. MALINOW. Mr. Arens, what is the point of furthering this inquiry along these lines? I have made my position clear.

Mr. ARENS. If you answer the question, I will tell you the point.

Mr. MALINOW. I think the questions are irrelevant to the purpose of this inquiry.

Mr. ARENS. If I explain to you the pertinency and relevancy of these questions will you answer the questions?

Mr. MALINOW. Mr. Arens, I have heretofore made my position clear and I think it would simply be repetition and wasting the time of this committee.

(Document marked "Malinow Exhibit No. 3," and retained in committee files.)

Mr. ARENS. Were you a proponent of the nominating of Elwood M. Dean to be a member of the Board of Freeholders?

Mr. MALINOW. I respectfully decline to answer on the same grounds.

Mr. ARENS. On the Communist Party ticket?

Mr. MALINOW. I respectfully decline to answer on the same grounds.

Mr. ARENS. Have you ever been arrested?

(The witness confers with his counsel.)

Mr. MALINOW. I simply decline for the same reasons, Mr. Arens.

Mr. ARENS. Do you honestly apprehend that if you told this committee, while you are under oath, whether or not you have ever been arrested, you would be giving information that might be used against you in a criminal proceeding?

Mr. MALINOW. I have stated the fact that, from my observations of the work of this committee, that is a possibility. And I have also stated that I do not believe those questions are in the province of investigations having to do with any legislative matters whatsoever. And on those grounds I respectfully decline to answer.

Mr. ARENS. How long have you been engaged in your present employment?

Mr. MALINOW. I believe I answered that question, sir.

Mr. ARENS. Would you kindly answer it again?

Mr. SCHERER. He said a year and a half.

Mr. MALINOW. Yes, approximately a year and a half.

Mr. SCHERER. You said paperhanger, is that right?

Mr. MALINOW. Yes, sir. A very honorable profession.

Mr. SCHERER. I assume that it is. I have no question about that. Do you have a paperhanging business, or do you work for somebody?

Mr. MALINOW. I work for various employers and sometimes I work for myself, depending on what the employment situation is.

Mr. SCHERER. Is that the sole source of your income?

Mr. MALINOW. Yes, sir.

Mr. SCHERER. Do you ever have any income from the Communist Party?

Mr. MALINOW. Well, Mr. Scherer, I have heretofore stated my answer to that question and I will only repeat what I said before.

Mr. SCHERER. You just said that that was the sole source of your income. Why would you then refuse to answer the question as to whether you had any income from the Communist Party?

Mr. MALINOW. Mr. Scherer, I believe that all questions having to do with the Communist Party—having to do with my political affiliations, associations, and beliefs—are out of order and, therefore, I must respectfully decline to answer on the same grounds.

Mr. SCHERER. Do I understand your answer to my question to be that your sole source of income, since you have been in the paperhanging business, has been from that business; is that right?

Mr. MALINOW. Yes; you asked me what my source of income was for this year and a half. I have been paperhanging and I said that has been my source of income.

Mr. SCHERER. You had no income from the Communist Party during that year and a half you have been paperhanging, is that right?

Mr. MALINOW. You asked me a question whether my source of income was paperhanging and my answer is yes, that is the answer to the question.

Mr. SCHERER. And I asked you one more question. During the year and a half that you have been in that business, you have had no income from the Communist Party; is that right?

Mr. MALINOW. And I have respectfully declined to answer that, Mr. Scherer, on the same grounds as previously stated.

Mr. SCHERER. Did you ever receive any compensation, directly or indirectly, from the Communist Party?

Mr. MALINOW. Mr. Scherer, I will restate once again that I believe any questions having to do with my relationship or nonrelationship with the Communist Party is completely irrelevant to the purpose of this committee, and I respectfully decline to answer on the grounds of the invasion of my privacy and on the fifth amendment, and I am sorry, sir, I must stick to that position.

Mr. SCHERER. Did you ever receive any compensation, directly or indirectly, from the Soviet Government?

Mr. MALINOW. My answer to that question is the same as previously stated.

Mr. SCHERER. Did you ever pass any information of any kind to an agent of the Soviet Government?

Mr. MALINOW. I wish to answer that question by stating categorically no. I have never given any information to anybody about this Government. I do not intend to.

Mr. SCHERER. I didn't ask you about this Government?

Mr. MALINOW. I have never given any information to the Soviet Government or to anybody representing it and have had absolutely no contact with them. That is categoric, sir.

Mr. SCHERER. Did you ever pass on any information to functionaries of the Communist Party?

(The witness conferred with his counsel.)

Mr. MALINOW. I beg your pardon, sir?

Mr. SCHERER. Did you ever pass on any information to functionaries of the Communist Party?

Mr. MALINOW. Well, Mr. Scherer, I believe any questions having to do with this question you ask are completely irrelevant, and I furthermore like to point out that these questions are completely unauthorized by the resolution of Congress and that to me this is a completely irrelevant line of inquiry; and, therefore, I will respectfully decline to answer on the same grounds as previously stated.

Mr. SCHERER. Do you feel that functionaries of the Communist Party are not agents of the Soviet Government? Is that the reason for your last answer?

Mr. MALINOW. Mr. Scherer, I explained before that I believe that my associations with individuals are a purely personal matter and not subject to the inquiries of this committee.

Mr. SCHERER. You freely stated to me in response to my question that you have never passed on any information to any agent of the Soviet Union.

Mr. MALINOW. That is correct.

Mr. SCHERER. You said no. Positively.

Mr. MALINOW. That is correct.

Mr. SCHERER. Why do you refuse to answer when I ask you whether you passed any information on to functionaries of the Communist Party in this country?

Mr. MALINOW. Because I don't believe this committee is authorized to ask such questions and I believe that these questions are completely irrelevant; and, therefore, I have declined to answer these and similar questions on the grounds that I previously stated, and that makes my position very clear, sir.

Mr. WILLIS. You are not now invoking the fifth amendment?

Mr. MALINOW. I am invoking all of my privileges, including the fifth amendment.

Mr. WILLIS. That protects you, not the beautiful speech about association. The thing that really protects you is the fifth amendment. All your other reasons will not hold water. But you are very clever. You always wind up with the fifth amendment. Go on, Mr. Arens.

Mr. ARENS. Did you ever use any alias in your work as a paper-hanger?

Mr. MALINOW. I don't see that that question has any relevancy.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered to answer that question.

Mr. MALINOW. I respectfully decline to answer on the grounds previously stated.

Mr. ARENS. Do you know Kitty Heck?

Mr. MALINOW. I respectfully decline to answer for the same reasons, sir.

Mr. ARENS. Where did you live immediately prior to your residency in the Newark area?

Mr. MALINOW. I lived in Camden, in New Jersey.

Mr. ARENS. How long did you live there?

Mr. MALINOW. Oh, I would say roughly about 5 years.

Mr. ARENS. What employment did you have immediately prior to your present employment?

Mr. MALINOW. I have respectfully declined to answer that question, sir, and I repeat the same reasons.

Mr. ARENS. Is there any employment which you had since you completed your high-school education until you began this employment as a paperhanger concerning which you can tell this committee without giving information that might be used against you in a criminal proceeding?

Mr. MALINOW. I have heretofore stated my employment record for that time which I was asked. I have explained to the committee what my occupations were.

Mr. ARENS. Is your paperhanging occupation a cover for underground work of the Communist Party?

Mr. MALINOW. My paperhanging work, sir, is a means of supporting myself and my family.

Mr. ARENS. Have you, in the course of the last year and a half, been engaged in underground work of the Communist Party?

Mr. MALINOW. I do not believe that is any concern of this committee, sir, and I respectfully decline to answer on the grounds previously stated.

Mr. WILLIS. What are those grounds?

Mr. MALINOW. On the grounds that it is an invasion of my beliefs and personal rights to participate in political activity under the first amendment and under the fifth amendment.

Mr. ARENS. Have you, in the course of the last year and a half, used any name other than the name Louis Malinow?

Mr. MALINOW. I respectfully decline to answer on the same grounds.

Mr. ARENS. Did you attend the National Convention of the Communist Party in New York City in February 1957?

Mr. MALINOW. I do not believe that is any concern of this committee, sir, and therefore, I respectfully decline to answer on the grounds previously stated.

Mr. WILLIS. I want to know those grounds. I am not going to permit you, unless you invoke—

Mr. MALINOW. I beg your pardon, sir?

Mr. WILLIS. You have to invoke grounds that we recognize. Are you invoking the first amendment? Then if you do, I am going to order you to answer it.

Mr. MALINOW. In order to avoid repetition, sir, I said I stand on the same grounds. My grounds are the first and fifth amendments on all these questions.

Mr. WILLIS. And the fifth. All right.

Mr. ARENS. Where were you February 9, 1957?

Mr. MALINOW. I repeat the same, same answer, sir.

Mr. ARENS. Were you in the Newark area?

Mr. MALINOW. I respectfully decline to answer. I don't think it is any concern of this committee's.

Mr. ARENS. Is that the only reason on which you decline to answer?

Mr. MALINOW. I have declined to answer on the grounds of the first and fifth amendments and I consider all of these questions to be an invasion of my rights on both grounds.

Mr. ARENS. Have you ever been a member of an organization dedicated to the overthrow of the Government of the United States by force and violence?

(The witness conferred with his counsel.)

Mr. MALINOW. Sir, I want to answer by stating that I have never been a member of an organization which I believe to stand for the overthrow of this Government by force and violence. That is categorical, sir.

Mr. ARENS. Have you ever been a member of an organization which the Attorney General of the United States, the Congress of the United States, and the Supreme Court of the United States have all found to be an organization dedicated to the overthrow of the Government of the United States by force and violence?

Mr. MALINOW. Mr. Arens, I find that to be a very vague and general question which is not a subject for committee inquiry and, therefore, I refuse to answer on the grounds previously stated.

Mr. ARENS. Does the Communist Party, to your certain knowledge, stand for the overthrow of the Government of the United States by force and violence?

(The witness conferred with his counsel.)

Mr. MALINOW. I refuse to answer on the same grounds as previously stated.

Mr. ARENS. Have you ever attended any Communist underground training schools?

Mr. MALINOW. Mr. Arens, would you explain to me what the purpose of these questions are?

Mr. ARENS. Yes, sir; and glad to do so.

Mr. MALINOW. And in view of—

Mr. ARENS. I would be glad to explain that to you.

Mr. MALINOW. Just a moment, sir. You haven't got my question.

Mr. ARENS. Yes, sir.

Mr. MALINOW. In view of the fact that I have stated, in relation to such questions, that I will refuse to answer questions on the grounds of the first and fifth amendments, and they are simply repetitions, I believe that they have no place in this committee hearing and I would ask you to—

Mr. ARENS. Do you honestly apprehend that if you told this committee truthfully whether or not you ever attended underground training schools of the Communist conspiratorial apparatus in the United States, you would be supplying information that might be used against you in a criminal proceeding?

Mr. MALINOW. Mr. Arens, I informed you and the committee that as far as I am concerned—

Mr. WILLIS. I direct you to answer the question.

Mr. MALINOW. I am answering the question, sir. I have stated before that I consider these questions to be an invasion of my privacy and political belief, and I have also stated that I am using the fifth amendment in answering the question and similar questions.

Mr. WILLIS. Proceed, Mr. Counsel.

Mr. ARENS. Do you know Martha Stone?

Mr. MALINOW. I refuse to answer on the grounds previously stated.

Mr. ARENS. Do you know Thomas Leavy?

Mr. MALINOW. The answer is the same, sir.

Mr. ARENS. Do you know John Norman?

Mr. MALINOW. Mr. Arens, isn't it a fact that the Supreme Court stated that they objected to the manner in which the committee was just wiping witnesses and people all over the floor, bringing in people for no sane reason under the sun that far went beyond its purpose of inquiry? And I think I object to answering any questions relating to people. I do not intend to be an informer to this committee or for any other committee and, therefore, I——

Mr. ARENS. If you told this committee whether or not you know the persons whose names I just called off, would you be supplying information that might be used against you in a criminal proceeding?

Mr. MALINOW. I refuse to answer on the same grounds, sir. I have stated my reasons very clearly.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness now be ordered to answer the question. The question is posed for the purpose of testing his good faith in invocation of the fifth amendment. Unless he honestly apprehends he may be subject to criminal proceeding in answering those questions, he has no right to decline to answer those questions.

Mr. WILLIS. You are directed to answer the questions.

(The witness conferred with his counsel.)

Mr. MALINOW. Yes, sir. I respectfully decline to answer the questions on the grounds previously stated, the first and fifth amendments.

Mr. ARENS. Do you know a person by the name of Manuel Cantor?

Mr. MALINOW. I respectfully decline to answer on the same grounds.

Mr. SCHERER. Do you know Joe Stepovich?

Mr. MALINOW. Beg pardon, sir?

Mr. SCHERER. Do you know Joseph Stepovich?

Mr. MALINOW. Mr. Scherer, I have made my position clear in regard to naming anybody or any association, and I stand on the same grounds as previously cited.

Mr. SCHERER. I just made up that name. Why would you refuse to answer?

Mr. MALINOW. It is very unfortunate, Mr. Scherer, but there are a lot of people that have been named or associated with witnesses, or subpoenaed people with these committees, who are having a rough time of it as a result of the work of this committee. I do not intend to assist this committee in ruining people for no reason in the world.

Mr. SCHERER. I picked this name out of thin air to see if you really are invoking the fifth amendment in good faith.

Mr. MALINOW. I think that should prove it, Mr. Scherer, because I don't want to bring anything in this hearing that has no business here and be victim of the work of this committee.

Mr. SCHERER. How could it possibly incriminate you to say you do not know a person by the name of Joe Stepovich?

(The witness conferred with his counsel.)

Mr. MALINOW. Well, in addition to that, Mr. Scherer, I don't know what people come to testify here, the informers, what name they use, and so on, and I don't know who is going to say what and what name is and so on, and therefore that is an additional reason.

Mr. SCHERER. Then you are not invoking the fifth amendment in good faith——

Mr. MALINOW. I have also invoked the fifth——

Mr. SCHERER. —if you do not know such a person.

Mr. MALINOW. Beg pardon, sir?

Mr. SCHERER. You obviously are not invoking the fifth amendment in good faith when you make this statement. You do not know such an individual and you never heard of him.

Mr. MALINOW. For all I know that may be a stool pigeon under another name who says he knows me.

Mr. WILLIS. Proceed, Counsel.

Mr. ARENS. Since you were served with your subpoena to appear before this committee, have you been in consultation respecting these hearings with any person known by you to be a member of the Communist Party?

Mr. MALINOW. I respectfully decline to answer that question, sir, on the same grounds as previously cited.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. SCHERER. Did you ask the witness where he was born?

Mr. ARENS. Yes.

Mr. WILLIS. The witness will be excused.

The committee will stand in recess until 1:30.

(Whereupon, at 11:45 a. m. the hearing was recessed until 1:30 p. m. of the same day.)

(Present at the time of recess, Representatives Willis and Scherer.)

AFTERNOON SESSION, WEDNESDAY, SEPTEMBER 3, 1958

(Members present at the convening of the hearing: Representatives Willis and Scherer.)

Mr. WILLIS. The subcommittee will be in order.

Counsel, call your next witness.

Mr. ARENS. Mr. Irving Fishman.

Kindly remain standing while the chairman administers the oath.

Mr. WILLIS. Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. FISHMAN. I do.

TESTIMONY OF IRVING FISHMAN

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. FISHMAN. My name is Irving Fishman. I am Deputy Collector of Customs at the Port of New York.

Mr. ARENS. How long have you been so employed?

Mr. FISHMAN. Almost 30 years.

Mr. ARENS. What are your duties?

Mr. FISHMAN. Among other duties, I have been assigned on a countrywide basis to enforcement of those provisions of law which restrict the importation of Communist political propaganda materials.

Mr. ARENS. Would you kindly give us just a thumbnail, layman's sketch of the principal provisions of the applicable law?

Mr. FISHMAN. There are two major provisions of law with which we are concerned.

The first is contained in the Tariff Act of 1930. Under section 305 of the Tariff Act, there are restrictions against the importation of subversive materials which advocate treason or insurrection against the United States.

Then, in conjunction with the Post Office and Justice Departments, we aid in the enforcement of the Foreign Agents Registration Act which restricts the importation of Communist political propaganda.

Mr. ARENS. Can you give us a word about the Foreign Agents Registration Act?

Mr. FISHMAN. The Foreign Agents Registration Act provides among other things that agents of foreign governments who in the United States disseminate information concerning their governments register with the Department of Justice and keep it posted as to their activities in the United States. These agents are required to furnish financial statements, indicate the extent of their business in the United States, and they are required, under the law, to indicate on this propaganda material its source. In other words, the law contemplates that all material of this type exhibited on the table when distributed in the United States be labeled both with regard to the publication itself and on the container in which it is sent to the addressee to show that it is Communist material, its source, and its background, so that anyone choosing to read the material has an opportunity to know from whence it comes.

Mr. ARENS. Mr. Fishman, the theory of the Foreign Agents Registration Act is similar to the theory underlying our food and drug laws, namely, so that a person can be apprised or know that the bottle that he is reaching for in his medicine cabinet is poison, it is labeled "poison." The same theory is applicable to Communist propaganda, is it not, in the labeling requirements?

Mr. FISHMAN. That is correct. I merely wish to make it clear that the Foreign Agents Registration Act is a disclosure-type of statute. It is not our intention to restrict, neither do we prohibit the sending of this material to anyone who chooses to have it or subscribe for it. Our interest is in seeing to it that it is properly labeled in accordance with the act.

Mr. ARENS. Mr. Fishman, in the course of 30 years of experience in the United States Customs Service, you have undoubtedly perused millions of pieces of Communist propaganda entering the United States, have you not?

Mr. FISHMAN. I have.

Mr. ARENS. You have, in the course of the last few years, paid especial attention to this Communist propaganda that is coming into the United States, have you not?

Mr. FISHMAN. I have.

Mr. ARENS. Have you ever, in the course of your experience in 30 years in the United States Customs Service, seen a single item of Communist propaganda coming into the United States which is labeled in accordance with the requirements of the Foreign Agents Registration Act, namely, "This is Communist propaganda"?

Mr. FISHMAN. No; I have not. I have observed the type of required labeling in publications deposited with the Library of Congress. As a matter of fact, I have brought one with me that has the necessary inscription.

Mr. ARENS. Now, may I ask you a few more preliminary questions, if you please, sir.

Is Communist propaganda that comes to the United States via the diplomatic pouch subject to the Foreign Agents Registration Act or any labeling requirements under the law?

Mr. FISHMAN. No. We do not interfere with any material which is contained in diplomatic pouches.

Mr. ARENS. Is material which comes into the United States in what is known as first-class mail subject to any labeling requirements or inspection?

Mr. FISHMAN. No. It is not subject to inspection.

Mr. ARENS. Is material which comes into the United States from non-Communist countries subject to inspection and perusal and labeling?

Mr. FISHMAN. It is subject to inspection; however, because of the overall volume of mail which comes to the United States and which reaches the Customs Service, we are unable to cope with much of the material from the friendly countries. As a result, we do not examine much of it to determine its content.

Mr. ARENS. Is there a practice developing now by the Communist bloc of transshipping Communist propaganda into non-Communist countries where it is then shipped into the United States?

Mr. FISHMAN. That is a growing practice, and we are somewhat hampered in any effort to control it because of the language of the present law.

Mr. ARENS. I want to discuss the law with you a little later on, Mr. Fishman, if you please.

Mr. FISHMAN. All right.

Mr. ARENS. Now, tell us, if you please, sir, about the control units that you have over the United States.

Mr. FISHMAN. We have, because of budgetary difficulties, found it necessary to concentrate most of the material subject to our examination in three control units established in the United States: One which handles all of the imports through the West Coast is located at the Port of San Francisco, Calif.; one which controls most of the imported material which is destined for Illinois and Wisconsin is established in Chicago; and then the third control unit for the East Coast is established at the Port of New York. At these ports we have competent translating staffs to examine this material and furnish opinions as to its contents.

Mr. ARENS. Mr. Fishman, is the New Jersey area a high priority target area for foreign Communist propaganda?

Mr. FISHMAN. It has been, at least for the last 5 years. In the test made a year or so ago, we segregated all of the incoming mail

material for a period of a month and found that the State of New Jersey ranked fifth in volume of propaganda. In other words, certain States had sufficient volume to consider that they were top priority, and the State of New Jersey had enough material directed to it each year to have been indicated in our test to be the fifth State.

Mr. ARENS. Before I get on to the specifics on the volume, is the volume of foreign Communist propaganda pouring into the New Jersey area increasing, decreasing, or about the same as it has been, in the course of the last few years?

Mr. FISHMAN. It has increased steadily since 1955.

Mr. ARENS. Mr. Fishman, the Communist propaganda that is being disseminated over the country from abroad goes through the United States mails, does it not?

Mr. FISHMAN. It does.

Mr. ARENS. Most of it goes in a second- or fourth-class status, does it not?

Mr. FISHMAN. That is right.

Mr. ARENS. The mails, of course, are not self-sustaining?

Mr. FISHMAN. That is right.

Mr. ARENS. In other words, is it true that the United States taxpayers by their contributions to sustain the United States mails are, in effect, subsidizing the dissemination within the United States of foreign Communist propaganda?

Mr. FISHMAN. It would appear so.

Mr. ARENS. Now, would you kindly give us, Mr. Fishman, the statistics which you have, first of all, on the overall importation of inspected Communist propaganda at your various control units, and then, more specifically, if you please, sir, proceed to give us the statistics on the New Jersey area.

Mr. FISHMAN. We have some 45 ports of entry in the United States. The statistics which I have for the committee today were gathered at the three control units. To give you some idea of the volume of mail which reaches the attention of Customs each year, the Commissioner of Customs, in a recent report to the Congress, pointed out that foreign mail packages are increasing at the rate of five million a year. And that there were a total of 40 million such mail packages for the past 12 months.

Mr. ARENS. Let us hesitate there a moment, if you please, Mr. Fishman. Forty million mail packages of Communist propaganda?

Mr. FISHMAN. No. That was the overall figure of mail articles which come to the attention of Customs each year.

Mr. ARENS. What percentage of that, or what proportion of that, is Communist propaganda?

Mr. FISHMAN. I was going to give this to you specifically.

Mr. ARENS. Proceed at your own pace.

Mr. FISHMAN. The Post Office Department turned over to Customs, for examination, printed matter emanating in the Iron Curtain countries and suspected of containing political propaganda as follows:

In 1955, they turned over to us some 2,560,000 packages of printed matter. We estimate that these packages contained over 5 million individual printed pieces of material.

In 1956, that increased by 900,000 packages.

Mr. ARENS. Excuse me. You say 900,000 packages. What would be the increase in individual items?

Mr. FISHMAN. It went from 5,245,000 to 6,947,000.

In 1957, it increased by a million, and we examined 4,480,000 packages, containing approximately 9,914,000 individual items.

In the 6 months of 1958, there is an indication that this will also increase by almost a million because in this 6-month period alone we had 2,454,000 packages, or a total of almost 5 million pieces of printed material.

Mr. WILLIS. For what period of time?

Mr. FISHMAN. For the six months in 1958.

Mr. WILLIS. Six months. So it could run up to 10 million.

Mr. FISHMAN. What was that?

Mr. WILLIS. It could run up to 10 million.

Mr. FISHMAN. That is right.

Now, the redefection material, for example, we make no count of that but we anticipate there are some 125,000 individually addressed letters on this homeland-material program which are received each week, or over six and a half millions a year.

Mr. ARENS. Mr. Fishman, I expect to get into the redefection material with you a little later. But give us now just a word about that. What do you mean by redefection material?

Mr. FISHMAN. About two years ago, the Soviet propaganda machine commenced a new program entitled, "Return to the Homeland." The program contemplated that people who have their heritage in a foreign country, more particularly the Soviet bloc countries, would be sent letters and other communications inviting them to return home, explaining to them the advantages of life in the Soviet Union, for example, as against living in the United States. This program caused a good deal of concern among the people who had immigrated, not too long ago, into the United States, and they wrote to us and to Members of Congress and to all of their friends, asking what to do about it. They were afraid that they had been located in this country and that they were a target for some particular purpose.

The House Committee on Un-American Activities, in a hearing in the City of Washington, publicized this entire program as a propaganda-type program and did much to allay the fears of people who had been receiving this material. However, although there was a lull for awhile after this hearing, the general program, redefection program, has been on the continuous increase.

Mr. ARENS. Is there any disguise of the redefection letters?

Mr. FISHMAN. We have been very successful in withholding most of this material from the addressees. As a matter of fact, we have had many requests from these addressees to keep this material from them. As a result of our activity we have noticed within the past 6 months many attempts to disguise the letters; inserting them in advertising material, changing the format and the size; and there is an attempt recently to send it through some of the friendly countries. A good deal is coming through West Germany, for example.

That, of course, is a part of the program which is not reflected in the statistics which I first gave. Another part of the program which is not reflected in these figures is the propaganda program which

deals with the student group in the United States. There has been a very concerted effort recently to send much Communist propaganda material to every college in the United States. Most of it is addressed to the student groups, the newspaper editors in the colleges, and to all of the organizations and fraternities. The material emanates from the World Federation of Democratic Youth—I have enough of this material here to make reference to it. This group claims some 9 million members and association with some of the reputable organizations in the United States. Many of these United States organizations have taken steps to refute this association, but still the material which comes from this organization—this is a sample of it, a very handsomely printed copy of World Youth—continues to flow into the United States.

In 1957 we had 262,000 such individually addressed packages to colleges in the United States and for the 6-month period in 1958, over 140,000 individually addressed parcels.

Returning more specifically to the State of New Jersey, and the material which is Communist propaganda, we find that for the month of April there were approximately 8,000 packages of this material, containing 23,000 individually printed items. In May, 59,000; June, 8,048. In other words, for the 3 months, April, May, and June of 1958, there were 21,000 individually addressed packages of propaganda material containing some 73,000 printed items. We estimate that for the year 1957, there were 70,000 packages sent into the State of New Jersey alone.

Mr. ARENS. With how many individually?

Mr. FISHMAN. 294,000 pamphlets, booklets, magazines, circulars, and so on, and so forth.

Mr. ARENS. This is all Communist propaganda emanating from Iron Curtain countries beamed into the United States in this State of New Jersey, is that correct?

Mr. FISHMAN. That is right.

Mr. ARENS. Now, Mr. Fishman, in addition to this material which you have alluded to, namely, the material coming in fourth class, is material disseminated in the United States, Communist propaganda, by the diplomatic pouch?

Mr. FISHMAN. We can only suspect that. We never examine the contents of diplomatic pouches. Of course there is also a volume of this material which comes by freight, by air freight, by ship.

Mr. ARENS. Is that subject to this type of inspection?

Mr. FISHMAN. It is. It comes under customs provisions of law, namely, the Tariff Act; and if it is not labeled, we are in a position to cause it to be seized as importations contrary to law.

Mr. ARENS. In addition to the material you have talked about, is there a volume of material, Communist propaganda, that comes in first class?

Mr. FISHMAN. Oh, yes, that, of course, is all material which we do not examine. We respect the privacy of the mails and we do not examine first-class mail.

Mr. ARENS. In addition to the material that we have thus far talked about, is there a sizable quantity of Communist propaganda that right now is being transshipped on American rails from various Communist countries to non-Communist countries in transit through the United States?

Mr. FISHMAN. Our experience is that a good deal of this material is sent from the Soviet Embassies in South American countries through the United States into other areas of South America.

Mr. ARENS. And the United States taxpayers are, in effect, subsidizing that transportation at least in part, isn't that correct?

Mr. FISHMAN. That is correct.

Mr. ARENS. What percentage of the material coming into the New Jersey area to be specific, is in foreign language?

Mr. FISHMAN. About 30 percent of it; 70 percent of it would be in the English language.

Mr. ARENS. You have given the committee, in private session, lists in great volume of the recipients of this Communist propaganda, have you not?

Mr. FISHMAN. That is right.

Mr. ARENS. These lists include not only very sizable numbers of persons but schools and organizations of great variety, isn't that correct?

Mr. FISHMAN. That is correct.

Mr. ARENS. Can you give us, in your own words, a description of the type of recipient before we get into the propaganda itself?

Mr. FISHMAN. The approach is to particular groups. For example, it seems to be the intent of the propaganda machine to acquire lists of members of various organizations, such as the Polish-American Congress, and to send to each member on the list—and I believe that organization has quite a membership around the country—copies of most of the material exhibited on this table.

Mr. ARENS. The individual recipient who reaches in his mailbox and picks up some of these magazines or some of this Communist material, does not see any place on the material that this is Communist propaganda, does he?

Mr. FISHMAN. No; it may only be by indirection that he suspects it is. The wrappers are plain sleeves. They do not give the name of the sender for the most part, and it would take some study and research on his part to ascertain where the material emanated. Now, you have to keep in mind that many of these people read only a foreign language and do not read the American newspapers and they have a tendency to believe that what this material says is the actual truth about matters affecting the people in the United States.

Mr. ARENS. Mr. Fishman, I asked you some few days ago, in anticipation of your testimony today, if you would bring over from the control unit some typical mail sacks destined to the New Jersey area from Iron Curtain countries without the seal being broken, did I not?

Mr. FISHMAN. Yes, you did.

Mr. ARENS. Have you done so at my request?

Mr. FISHMAN. We brought some five sacks, I believe.

Mr. ARENS. These are sacks destined to the New Jersey area from Iron Curtain sections of the world?

Mr. FISHMAN. That is right.

Mr. ARENS. Would you break the seal of one mail sack, open it, and tell us what you find? You have two or three of your associates with you from the Customs Service, I see.

Mr. WILLIS. You don't know what is in that bag?

Mr. FISHMAN. We haven't had occasion to examine it. These were selected from some of the material that was gathered over the Labor Day holiday.

Mr. WILLIS. All right.

Mr. FISHMAN. This appears to be the redefection material that I spoke of.

Mr. ARENS. Tell us in more detail about the material as you take it out.

Mr. WILLIS. These are letters?

Mr. FISHMAN. These are first-class letters, but we have reason to believe that this is redefection material. We handle this class of material under the Postal and joint Customs regulations in the following fashion. Suspecting that this may contain prohibited material, we write to the addressee to ask permission to open the envelope. When he gives us permission, we will examine a representative number of these; and by agreement between our agencies, having found that the format is the same, the sender the same, we will take the same action against the entire lot, without going through the formality of writing to each recipient and asking his permission to examine the material.

Mr. ARENS. What, in all probability, is in the contents of these letters that you now have in your hand?

Mr. FISHMAN. From our experience we suspect, and we have samples of others, that these are the usual return-home material. This is an example of one of them, People's Voice. Here is a Hungarian newspaper which deals with this redefection program—Nepszava, Issue No. 11. This, we suspect, is Russian or Ukrainian, the language of the publication.

What else do we have here?

One of the publications in this lot is an Estonian one. But it is one of the redefection-type publications that we have had all this difficulty with recently.

Mr. ARENS. On the basis of your study of this problem of redefection, why is it that the Red empire has this program of redefection in operation? What do they expect to gain by it?

Mr. FISHMAN. I doubt very much that they anticipate that many people will return to the homeland. I think probably most of the interest is in gaining a correspondent, someone who can be contacted quickly for solicitation of funds, or any other purpose that the propaganda machine may have in mind. But it establishes a contact. As I said before, I doubt whether many people in the United States will buy this program.

Mr. ARENS. Is all this material that you just opened, or at least all you can see in a quick glance, destined to people within the New Jersey area?

Mr. FISHMAN. That is correct.

Jersey City, Delanco, N. J.; Neptune, N. J.; Lakewood, N. J.; Paterson, N. J.; and so on.

Mr. ARENS. What is your estimate of volume of redefection material that is hitting these cities?

Mr. FISHMAN. 125,000 a week.

Mr. ARENS. Here in New Jersey?

Mr. FISHMAN. We have no accurate count for this area.

Mr. ARENS. Would you care to open another sack and see what you find in that one. Or is this next one here one that has been opened?

Mr. FISHMAN. No; this is from West Germany.

Mr. WILLIS. How did that bag come here—by plane, ship, or what?

Mr. FISHMAN. By ship. But by arrangement with the Post Office we get all this paper mail for examination.

Mr. WILLIS. That is definitely subsidizing the ship, as well as the mail, to bring that trash here.

Mr. FISHMAN. That is right. This consists, for the most part, of some of the disguised redefection material. You know, the format is changed to a smaller envelope, the color is different, the postage stamp is different, and the postmark is different. Often these postmarks are in West Germany, not East Germany.

Mr. ARENS. Is this redefection material you are now examining, Mr. Fishman, in foreign language?

Mr. FISHMAN. It is all in foreign language. All of this is.

Mr. ARENS. I presume it is destined to people who have roots in countries controlled by the Red conspiracy?

Mr. FISHMAN. That is right. Examination of the addressees will make that very apparent.

Mr. ARENS. Mr. Fishman, directing your attention to the other propaganda material which you have displayed there, is that just typical material that you have brought here in the course of the last several days that has been destined to the New Jersey area?

Mr. FISHMAN. It is. Our office has prepared for my use and also for the use of the committee, some representative samples. Right at this moment, of course, great stress is being placed on our so-called interference in the Far East. New Times, 31 August 1958, asks for quick, vigorous, and resolute action and discusses "What Next in the Middle East," and strongly attacks the United States and Great Britain for interference in the Middle East. Capitalistic aggressors are accused of being ready to start a war in order to protect their strategic positions in the Middle East.

Mr. SCHERER. This material that has been laid on our desk here is some from the material which you have, is it not?

Mr. FISHMAN. Yes. I have copies of the same material you have up there, Congressman.

Mr. SCHERER. This material that we have came through the mails in the manner which you have described, did it not?

Mr. FISHMAN. I think you have one of those Chinese publications, do you not?

Mr. SCHERER. Yes. I have one here, Mr. Fishman, entitled "Data on Atrocities of United States Army in South Korea."

Mr. FISHMAN. Oh, yes.

Mr. SCHERER. Did that come through the mails?

Mr. FISHMAN. This was an enclosure in the Chinese—I think it was in China News—or one of the Chinese magazines had this as an enclosure.

Mr. SCHERER. It was printed in 1958, was it not?

Mr. FISHMAN. Oh, yes. I think this came in about three weeks ago, maybe four weeks ago.

Mr. SCHERER. This is printed in English, this particular publication entitled "Data on Atrocities of United States Army in South Korea."

Mr. FISHMAN. Yes. This is intended for distribution in this country.

Mr. SCHERER. I understand that. That is the point I wanted to make. It is not to educate Koreans or anyone else but Americans.

Mr. FISHMAN. That is correct.

Mr. SCHERER. Since this publication has been mentioned, I would like to read for the record just a few excerpts from it. It says:

From the very first day of their occupation the American imperialists have been trying hard to convert South Korea into an object of squeezing out maximum profit for the millionaires of the Wall Street and an outpost for their aggression of the Asian continent.

In spite of the fact that we went into Korea as a result of a resolution of approval by the United Nations and we paid most of the costs of that war, both in money and in the lives of American boys, it says we were squeezing out the maximum profit for millionaires of Wall Street according to this publication.

Here is another statement: "The American imperialists"—that is the American soldiers, that were sent into Korea—

have committed atrocities unprecedented in the history of mankind in their aggressive war in Korea.

This is what they say about our American boys:

They have massacred at random innocent people in North Korea, destroyed more than 8,700 buildings—

and so on and so forth.

I went through this book. Here is one:

The atrocities of the U. S. Army in South Korea have been steadily increasing since the armistice.

The cases of atrocities committed by the U. S. Army during the period from the signing of the Armistice Agreement on July 27, 1953, to April 1958 amount to more than 200, even according to reports of the South Korean press.

The atrocities of the U. S. Army in South Korea have become more cruel and frequent since last year, especially since the moving of the "U. N. Command" to Seoul.

Here is another article:

RAPING AND KILLING WOMEN

As reported by the South Korean press, there has been an unbroken chain of violence and murder cases committed by the U. S. Army against Korean women all over South Korea.

Here is a picture and underneath it:

The American imperialists murdered great numbers of patriots imprisoned at prisons in every place of South Korea right before the liberation of Seoul.

Here is another one:

ATROCITIES AGAINST CHILDREN, YOUTH, AND STUDENTS

Among the barbarous acts of the U. S. Army in South Korea, its merciless atrocities against innocent children go beyond the imagination of the sober-minded people.

We know that the whole record of occupation by the American forces has been just contrary to what it says in this vicious propaganda.

It has been the American boys who have shared their candy, their cigarettes, their food, not only in the First World War but in the

Second World War and also in Korea, with the children of those countries.

Mr. WILLIS. I think in connection with the Washington hearings, in addition to these obviously faked photographs, we even saw fake photographs of alleged use of germ warfare in South Korea—that Americans were using germ warfare, and yet this trash enters this country by the million.

Mr. FISHMAN. That is right.

Mr. WILLIS. Do you agree with some of these witnesses who come here and say that this is none of the business of Congress; that Congress should not take any action in this field; that they have a right to be so free that they can burn schoolhouses and then yell "fire."

Mr. FISHMAN. I don't think any American agrees with that doctrine at all.

Mr. SCHERER. Oh, yes; some of them do. There is an article, signed by some ministers of this area, in the Newark Evening News today which says that, by this type of investigation we are conducting here, we are violating the civil liberties of the people. It is quite an article. I may have more to say about it before we conclude these hearings. I wonder if any of the people who signed this and made this condemnation of the Congress and this committee have taken the opportunity to be in attendance at these hearings and see what goes on? I would really like to know.

This article I was referring to in today's Newark Evening News, signed by these people whom I have mentioned, states:

At this moment when national unity based upon mutual confidence is of paramount importance to our security, men in responsible positions—
meaning us—

must not, through unsubstantiated charges and blanket indictments, destroy confidence in our American people and institutions.

"Unsubstantiated charges"—We have here the evidence before us. Mr. Fishman is under oath. We have the mail bags. We have the vicious propaganda which the Communists are constantly conducting in an effort to destroy this country from within, to set people against people, and then we find such statements as this coming from so-called responsible leaders of a community.

Mr. ARENS. Mr. Fishman, you have told us something of the volume of this Communist propaganda that is pouring into the United States. Can you tell us of the different types of propaganda, how many different types of publications are there?

Mr. FISHMAN. I would estimate there are some thousand publications, of all types and languages, which are sent to the United States. I have just a sampling of them here and I was going to advise that very recently a good deal of this vicious propaganda has been coming from China. The Peking Review has suddenly taken up the cudgel against our action in the Far East; for example, here in the August 5 issue, there is an editorial entitled "An Open Secret."

It says:

A photocopy of a circular letter sent by the United States Department of State to its diplomatic representatives in the Middle East has been published

in the Cairo paper Al Ahram. It is damning documentary evidence of the dirty tricks the United States is up to in the Middle East.

Washington is conducting an all-out drive to destroy the United Arab Republic and Arab nationalism. In the words of the circular, this is because "the expansion of Egypt's sphere of influence * * * encourages anti-Western and particularly anti-American tendencies in the Middle East and Africa."

To achieve its objectives, the United States pursues the old "divide and conquer" tactics of the imperialists. Washington is doing everything it can to split Egypt and Syria and to isolate the U. A. R. from other Arab countries, from the Soviet Union and other Socialist countries.

The document states that "efforts to discredit the idea of the Syrian-Egyptian union * * * should continue unabated," and so on.

In the issue of August 12 they continue to explain that the talks held in Peking between Chairmen Mao Tse-tung and N. S. Khrushchev was not merely a policy statement but also a magnificent program of action on the issue of combating aggression and safeguarding peace.

Mr. ARENS. Mr. Fishman, I saw or heard the other day that the United States of America submits for dissemination in Soviet Russia one of our publications called America, one publication which is submitted to them in advance of publication for their censorship before it is actually published. Are the publications coming into the United States by the millions coming in here pursuant to any type of understanding we have with the Kremlin?

Mr. FISHMAN. Not to my knowledge.

Mr. ARENS. In other words, we are sending into Soviet Russia one publication called America, which they censor before it goes in, and they send into the United States publications by the millions, without labeling it as Communist propaganda, is that correct?

Mr. FISHMAN. That is correct.

Mr. SCHERER. In direct violation of the law.

Mr. ARENS. Mr. Fishman, does this material coming into the United States contain advertising to help sustain the cost of publication, as do the American magazines such as Life and the Saturday Evening Post and Time and the like?

Mr. FISHMAN. No. It is a peculiar aspect of the entire program that not one of these publications contains a single advertisement, other than the solicitation for subscriptions to the particular publication.

Mr. ARENS. Do the individual recipients, apparently numbering in the millions, now pay anything for this material which is coming in?

Mr. FISHMAN. A great portion of it is sent completely unsolicited; however, one can subscribe to World Youth, for example, for a dollar a year, which is a very cheap price for this kind of publication if one is interested in reading it.

Mr. ARENS. How does the quality, from the standpoint of the paper and the various technical processes apparently involved, compare with the regular American magazine on the newsstands?

Mr. FISHMAN. I would say they compare very favorably.

Mr. ARENS. What about the price in comparison with the cost of publication?

Mr. FISHMAN. In the absence of advertising, I would suspect that these things are completely subsidized by the propaganda machine. They use a fairly expensive type of paper and the magazines are full of pictures and all of the features of American publications.

Mr. SCHERER. You have had many complaints, as I understand it, from people in this country who have been the recipients of this propaganda; have you not?

Mr. FISHMAN. We have.

Mr. SCHERER. That is, the people object to having this material sent to their homes; is that right?

Mr. FISHMAN. They do and they ask the Post Office Department to keep it and not send it to them, to destroy it.

Mr. SCHERER. I believe you introduced in a previous hearing a long series of letters and communications to the Post Office Department from the people who were receiving this propaganda.

Mr. FISHMAN. I did.

Mr. SCHERER. Some were greatly alarmed that the people behind the Iron Curtain knew their addresses in America; were they not?

Mr. FISHMAN. That is correct.

Mr. SCHERER. They found that some people moved in an effort to avoid getting this material?

Mr. FISHMAN. That is correct.

Mr. SCHERER. We wondered how the people who were sending this material from behind the Iron Curtain obtained the new addresses of people in this country so quickly; did we not?

Mr. FISHMAN. We did. We strongly suspected whoever is handling this program has access to organization and other mailing lists.

Mr. SCHERER. You hear criticism, such as contained in the article in the Newark Evening News, to which I referred, about this committee questioning individuals who today are part and parcel of that Communist conspiracy. There is evidence, as I recall from previous hearings, that some of these local members of the Communist Party, members here in the United States, have participated in sending behind the Iron Curtain the mailing lists of organizations which they have infiltrated. That is the service they render to the cause of the Kremlin. That is one of the jobs of Communist Party members here in the United States today. And there are people who say that we have no business determining how these mailing lists reach Iron Curtain country propaganda sources. I just wanted to make that observation for the record.

Mr. ARENS. In addition to the printed propaganda which we have been discussing, Mr. Fishman, does the Red propaganda machinery also send into the United States propaganda films?

Mr. FISHMAN. Yes; that is a major part of the program, and it has never deviated. Motion-picture film, generally, is sent in, in the form of so-called fiction stories, all veiled somewhat or cloaked by the thin story which envelops the propaganda program.

Mr. ARENS. Do they also send in plates from which propaganda is reproduced within the confines of the United States?

Mr. FISHMAN. They do. That is for dissemination.

Mr. SCHERER. And, of course, when this committee investigates to determine who gets those plates in this country, who does the printing, who handles the matter of passing on this propaganda in the United States, then we hear the cry that we are interfering with people's political activities and their right to freedom to associate with whom they please, when they are engaged in an activity on behalf of a foreign government and when, as our chairman said, we are spending

billions of dollars a year of taxpayers' money to fight the international conspiracy.

Mr. ARENS. I should like to interrogate you a bit more with respect to proposed legislation which might help plug the loopholes, stem the tide of that flood of Communist propaganda.

As you know, the Committee on Un-American Activities has, in the course of the last few years, made over 80 separate recommendations for legislative action; legislation has been passed by the Congress embracing 35 of the committee recommendations; and we have pending before the committee at the present time numerous legislative proposals, some of which deal with the very subject of Communist propaganda.

May I ask you if it would be effective, from the standpoint of enforcement, if legislation could be devised requiring this Communist propaganda to be labeled as such prior to its actual physical entry into the United States or to be subject to confiscation.

Mr. FISHMAN. It would be of considerable help to us.

Mr. ARENS. Why?

Mr. FISHMAN. The present interpretation of the requirement for labeling contemplates that an agent, a registered agent in the United States, may bring all of this material, tons of it, into the United States without labeling it, and that the requirement for labeling does not attach until he, in turn, disseminates in the United States. That leaves it up to the registered agent, first of all, to determine whether it is propaganda, as defined in the Foreign Agents Registration Act; and, second, leaves it up to him to decide whether he needs to label it.

We feel that if the proposed legislation caused the labeling to be attached to this material at the time of importation, as it does in connection with many other import laws, half of our job would be taken care of by this one requirement.

Mr. ARENS. Let me ask you with respect to another item which the committee has under consideration in attempting to stem this tide of Communist propaganda. At the present time, the Justice Department, the State Department, Post Office Department, and Customs, all participate in one form or another in undertaking to administer the provisions of the various laws applicable to this material. Would it be helpful, from the standpoint of better enforcement, if there were a centralization of responsibility in the administration of these various laws?

Mr. FISHMAN. I definitely believe so. It would concentrate the effort and allow for better enforcement around the country.

Mr. ARENS. In how many different languages does this material enter the country?

Mr. FISHMAN. Some of the publications before me are sent into the United States in 13 different languages.

Mr. ARENS. Do you have an adequate staff of translators in order to undertake to examine it and to translate it and to appraise it?

Mr. FISHMAN. We can handle the major percentage of those languages at the three control units, but we have absolutely no translation facilities at any of the other points of entry. So a good deal of this material must necessarily be released and passes into the United States, because we just don't know what it is or do not have the facilities for examining it.

Mr. SCHERER. You have made an estimate, have you not, of about how many pieces of this type of propaganda come into the United States each year?

Mr. FISHMAN. We have given you some actual figures of the number of parcels, mail parcels, turned over to us by the Post Office Department. We have absolutely no way of estimating how much of it actually comes into the United States which we don't see or have no access to. What we have given you were the actual figures on the material turned over to us by the Post Office Department for examination.

Mr. SCHERER. From what has been turned over to you, you have estimated about how many pieces?

Mr. FISHMAN. We gave you figures on all the mail which comes into the United States annually, some 40 million.

Mr. SCHERER. Forty million.

Mr. FISHMAN. I would suppose in 1957, since we had access to about 5 million packages alleged to contain propaganda material, possibly another million came through without examination. That would only be an incomplete estimate. I have no way of knowing how many got by us.

Mr. SCHERER. Did I understand you to say, then, that your rough estimate is about 40 million pieces a year?

Mr. FISHMAN. That was the volume of mail which the Customs Service handled.

Mr. SCHERER. Which you handled.

Mr. FISHMAN. On an overall basis around the country. But more specifically we know of almost 5 million that we handled in 1957 that contained political propaganda. We would guess at how many came through these other ports of entry, a conservative estimate would be another million or a total of six million for the country in 1957.

Mr. ARENS. Do you have any other suggestions to make for the consideration of the committee from the standpoint of proposals to tighten the laws?

Mr. FISHMAN. I think if the committee were to clarify the law as it applies to the labeling provisions and to fix the responsibility for the enforcement of this provision in one of the agencies, we would be very happy.

Mr. ARENS. I know most agencies will always welcome more money for the operations, and I am not trying to put you on the spot at the present time. But do you actually need more translators and more enforcement officers to cope with this?

Mr. FISHMAN. We believe that we are doing a very good job right at the moment. We, of course, could do a much better job if we could open one or two more control units around the United States.

Mr. ARENS. Is there any other item of information which you should like to submit to the committee, Mr. Fishman? We have interrogated you on a number of items. Perhaps there is something you would like to say about which we have not asked you.

Mr. FISHMAN. No; I don't think so. I am sure that the publicity given this redefection program will be of considerable help to people around the country. It will make them aware that they have not

been chosen or selected as targets, and I think they will understand it is part of a general program; that is always very important.

Mr. SCHERER. Mr. Fishman, you have had considerable experience, indicated by your testimony, in handling this propaganda. In your opinion could this tremendously large number of pieces of propaganda come into this country and be distributed without the help of individuals in the United States?

Mr. FISHMAN. Could it be done without their help?

Mr. SCHERER. Yes.

Mr. FISHMAN. I doubt it very much. First of all, the propaganda machine must know to whom to send it. In many States this material is sent in on a very selected basis and sent only to people who disseminate, and intend to disseminate, it. It is obvious that the people who put this material out are given advice and information as to what subjects to cover. So I am fairly positive they receive considerable information from their fellow workers here in the United States.

Mr. SCHERER. Does my recollection serve me correctly that you or one of your associates testified at a previous hearing on this subject that often, when the Soviet propaganda machine wants a certain nationality group in the United States to take a certain stand on a current national political issue, it directs a flow of material to that group in the United States?

Mr. FISHMAN. That is so.

Mr. ARENS. For propaganda. In the language of that particular nationality group.

Mr. FISHMAN. That is correct and this type of approach is completely apart from the standard publications. It will show up in the form of information bulletins or specifically directed pamphlets, usually published in the foreign language and directed to the people of that language heritage to convince them, or attempt to convince them, of the Communist view on the issue before the people in the United States.

Mr. ARENS. I am trying to point out that this tremendous insidious propaganda effort of the Soviet Union needs individual people in the United States in order that it may accomplish the end objective.

Mr. FISHMAN. I agree.

Mr. ARENS. And this committee is interested in those people and how they do it and how they participate and why and what part the Communist Party, either aboveground or underground, has in this particular program. That is only one of the programs of the Communist Party in aiding our enemy.

Mr. FISHMAN. That is right.

Mr. WILLIS. We stand in recess.

(Committee members present: Representatives Willis and Scherer.)

(Brief recess.)

(Committee members present: Representatives Willis and Scherer.)

Mr. WILLIS. The subcommittee will please come to order. Counsel, please call your next witness.

Mr. ARENS. Jessie Scott Campbell.

Mr. SCHERER. Mr. Chairman, before we proceed, I want to make another observation. I have a copy of the Newark Evening News. Previously I referred to an article in this newspaper—that article was in the Readers Column. I now see a large ad that takes up about a

third of the page, devoted to an attack on the Un-American Activities Committee. It is published by the New Jersey Associates Emergency Civil Liberties Committee, Mr. Harvey O'Connor. Of course the ad does not disclose that Mr. Harvey O'Connor is the chairman of the Emergency Civil Liberties Committee, and that Mr. Harvey O'Connor is a known, identified member of the Communist Party. In addition to that, the organization of which he is chairman, namely the Emergency Civil Liberties Committee, which is sponsoring a meeting and has placed this ad in the press, has been cited as an arm of the Communist Party. It is completely Communist dominated and controlled. Most of its officers and members of its board of trustees are Communists or have long Communist front records.

The record of that committee and of its membership is documented in a publication by the Committee on Un-American Activities issued on November 8, 1957, entitled "Operation Abolition." This committee was specifically set up for the purpose of destroying the House Committee on Un-American Activities, the Federal Bureau of Investigation, and the security program of the United States.

I think that this information about the people who have placed this ad in the paper and who are conducting the meeting tonight at the Carlton Hotel should be known.

I would like, Mr. Chairman, to also supplement the remarks that I just made with reference to Mr. Harvey O'Connor and the Emergency Civil Liberties Committee.

I am reading from the report to which I referred, namely, "Operation Abolition." We find this language:

The Emergency Civil Liberties Committee's campaign was inaugurated at a rally in New York City in Carnegie Hall on September 20, 1957. The speakers included Harvey O'Connor, Louis L. Redding, an attorney; Dalton Trumbo, one of the notorious Hollywood Ten; Prof. Hugh H. Wilson of Princeton University; and Frank Wilkinson of Los Angeles.

Harvey O'Connor, who has been identified in sworn public testimony as a member of the Communist Party, declared that the meeting "is historical because it opens the Abolition Campaign against the House Committee on Un-American Activities."

Dalton Trumbo, who also has been identified in sworn public testimony as a member of the Communist Party, and who was convicted of contempt of Congress for his refusal to answer questions before the Committee on Un-American Activities, vilified the committee, J. Edgar Hoover, the Federal Bureau of Investigation, and derided a group of Hungarian patriots who were picketing the rally.

The objectives of the Emergency Civil Liberties Committee emerged clearly from the Carnegie Hall program. They may be summarized as—

1. Destruction of the House Committee on Un-American Activities;
2. Extinction of the investigative powers of the Congress in the field of subversive activities;
3. Restriction of important functions of the Federal Bureau of Investigation in the investigation of subversive activities; and
4. Creation of a general climate of opinion against the exposure and punishment of subversion.

I again repeat that is the committee which is sponsoring and holding the meeting here in Newark tomorrow night and that is the committee which placed that ad, to which I referred, in the Newark newspapers.

Mr. WILLIS. Proceed.

Mr. ARENS. If you please, Mr. Chairman, Jessie Scott Campbell.

Kindly come forward and remain standing while the chairman administers the oath.

Mr. DELANY. Mr. Chairman, Mrs. Campbell requested no photographs be made of her at this hearing. May we have a ruling from you, sir?

Mr. WILLIS. The ruling is that until the witness is sworn, I have no control and it is not the business of the committee. Until the witness is sworn you are permitting the pictures to be taken, not I.

Mr. DELANY. Except it results in the same thing.

Mr. WILLIS. Raise your right hand, please.

Do you solemnly swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. CAMPBELL. I do.

Mr. WILLIS. Now the photographer will refrain from photographs.

Mr. DELANY. It is of no benefit to this witness at all.

Mr. ARENS. It is freedom of the press.

TESTIMONY OF JESSIE SCOTT CAMPBELL, ACCOMPANIED BY COUNSEL, HUBERT T. DELANY

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mrs. CAMPBELL. My name is Mrs. Jessie Scott Campbell. I live at 138 Lincoln Street, Montclair, N. J. I am at present an apprentice optician at 7 Hill Street, Newark.

Mr. ARENS. You are appearing today in response to a subpoena that was served upon you by the House Committee on Un-American Activities?

(The witness conferred with her counsel.)

Mrs. CAMPBELL. Yes, I am.

Mr. ARENS. And you are represented by counsel?

Mrs. CAMPBELL. Yes, I am.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. DELANY. Hubert T. Delany, 100 William Street, New York City.

Mr. ARENS. Mrs. Campbell, where were you born?

Mrs. CAMPBELL. I was born in Long Branch, N. J.

Mr. ARENS. And give us a word, please, about your education.

Mrs. CAMPBELL. I am a graduate of Montclair State Teachers College, New Jersey.

Mr. ARENS. When did you graduate?

Mrs. CAMPBELL. 1936.

Mr. ARENS. And did you receive a degree?

Mrs. CAMPBELL. Bachelor of Arts.

Mr. ARENS. And did you then obtain the privilege of teaching in the State of New Jersey?

Mrs. CAMPBELL. Yes, I did.

Mr. ARENS. Kindly tell us when you obtained that privilege.

Mrs. CAMPBELL. Do you mean did I receive the teacher's certificate?

Mr. ARENS. Yes.

Mrs. CAMPBELL. I did not apply for the teacher's certificate.

Mr. ARENS. Were you ever licensed or certified to teach?

Mrs. CAMPBELL. No, I never got the teacher's certificate because I did not apply for it.

Mr. ARENS. Then tell us what was your principal employment immediately after you concluded your formal education?

(The witness conferred with her counsel.)

Mrs. CAMPBELL. I feel that I have given you my present employment and I feel that that is all I would like to answer at this time regarding my employment.

Mr. ARENS. Please tell this committee now what was your first employment after you concluded your formal education?

(The witness conferred with her counsel.)

Mrs. CAMPBELL. I understand that I have rights under the first and the fifth amendment of the Constitution not to answer the question.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness now be ordered to answer the question as to what her first employment was immediately after the conclusion of her formal education.

Mr. WILLIS. You do have a right under the fifth amendment to refuse to answer a question if you honestly fear that to answer that question might subject you to criminal prosecution or might tend to incriminate you. Now, the question that the counsel for the committee has just asked is simply to test whether you honestly fear such consequence and whether or not you are honestly relying upon the protection of the fifth amendment. If you are so honestly invoking the fifth amendment, you have a perfect right to do it; but we do have a right to know whether you are making a shambles of the provision itself, or whether you are honestly invoking it. It is a perfectly proper question to test the honesty; and, therefore, I direct you to answer the question.

(The witness conferred with her counsel.)

Mrs. CAMPBELL. Well, it is because I do not want to be put in a position of giving testimony against myself that I am availing myself of the privilege given me under the fifth amendment of the Constitution.

Mr. ARENS. How long have you been employed at your present employment?

Mrs. CAMPBELL. Seven years.

Mr. ARENS. What was your employment immediately prior to your present employment?

Mrs. CAMPBELL. I am declining to answer that on the same ground I just gave.

Mr. ARENS. What was your employment immediately prior to the employment that you cannot tell us about?

Mrs. CAMPBELL. I have given my present employment. I am using the rights reserved me under the Constitution, the first and the fifth amendment, not to answer any further question regarding my employment.

Mr. ARENS. Is there any employment, other than your present employment, concerning which you can tell this committee without giving information that might be used against you in a criminal proceeding?

Mrs. CAMPBELL. I decline to answer this question on the same grounds.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered to answer that question. That question is designed to test

the good faith of this witness in her invocation of the fifth amendment.

Mr. WILLIS. Yes; you are directed to answer that question.

Mrs. CAMPBELL. I have good faith in using the Constitution and I am declining to answer the question on the same grounds.

Mr. ARENS. What organizations do you—

Mr. SCHIERER. Just a minute, Counsel. I want to ask the witness a question.

You have refused to tell us about some of your employment on the grounds that to do so might tend to incriminate you. I ask whether any of that employment about which you refuse to tell us involved the distribution of Communist propaganda, such as Mr. Fishman exhibited to this committee a few minutes ago?

(The witness conferred with her counsel.)

Mrs. CAMPBELL. I am refusing to answer that on the same grounds.

Mr. ARENS. Tell us the organizations to which you presently belong.

Mrs. CAMPBELL. I believe that people have a right to belong to organizations without being required to tell what organizations they belong to. I have belonged to many organizations, and there are many things. I understand this is a House Committee on Un-American Activities. There are many, many things which, as a Negro woman, I am certainly aware that are un-American, and I belong to many organizations which attempt to rectify some of the things that are un-American, and I refuse.

Mr. ARENS. Kindly tell us what organizations.

Mrs. CAMPBELL. I decline to answer questions directed by you about the organizations that I belong to because I take my rights under the first and fifth amendment.

Mr. ARENS. Are you serving in any of these organizations, presently, at the behest and under the direction of the Communist conspiracy?

Mrs. CAMPBELL. Does a Negro woman have to be directed to serve in any capacity when she is fighting for her rights?

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness now be ordered to answer the question as to whether or not her participation in these various organizations she talked about, or at least alluded to, is at the behest and direction of the Communist conspiracy.

Mr. WILLIS. Yes; that is a proper question. You are directed to answer the question.

(The witness conferred with her counsel.)

Mrs. CAMPBELL. I decline to answer that question on the same grounds that I previously stated.

Mr. ARENS. Are you now, this minute, a member of the Communist Party?

(The witness conferred with her counsel.)

Mrs. CAMPBELL. This seems to be such a pet question. I have heard Communists, Communists, Communists, all afternoon, and what is on my mind is whether Negro children are going to be allowed to enter the schools of their choice in September, and I haven't seen anyone that you have ever gotten fired from their jobs because they have appeared before this committee, or named by this committee, who have

ever obstructed youngsters from going to school on the basis of their color.

Mr. ARENS. Now, would you please answer the question?

Mrs. CAMPBELL. I respectfully decline to answer this question on the basis of the first and fifth amendments to the Constitution.

Mr. ARENS. Do you know a person by the name of Robert Dixon?

(The witness conferred with her counsel.)

Mrs. CAMPBELL. Pardon?

Mr. ARENS. Do you know a person by the name of Robert Dixon?

Mrs. CAMPBELL. I decline to answer questions about associations and beliefs on the grounds of the first and fifth amendments.

Mr. ARENS. Robert Dixon took an oath this morning before this committee and testified that while he was a member of the Communist Party, he knew you as a Communist. We want to give you now an opportunity, while you are under oath, to deny that testimony.

Mr. SCHERER. Or affirm it.

Mr. ARENS. Or to affirm it.

Mrs. CAMPBELL. I am declining to answer.

Mr. ARENS. Do you care to avail yourself of that privilege?

Mrs. CAMPBELL. I decline to answer on the same grounds.

Mr. ARENS. Are you connected with the Civil Rights Congress?

(The witness conferred with her counsel.)

Mrs. CAMPBELL. I decline to answer on the same grounds.

Mr. ARENS. Have you ever used any name, other than the name Jessie Scott Campbell?

Mrs. CAMPBELL. I decline to answer on the same grounds.

Mr. ARENS. Why?

(The witness conferred with her counsel.)

Mrs. CAMPBELL. I am accorded the rights of the first and fifth amendment, which do not require that I make any testimony that might incriminate me or that might tend to limit my freedom of speech and association.

Mr. ARENS. Do you honestly feel that if you told this committee, while under oath, whether or not you have ever used any name, other than the name Jessie Scott Campbell, you would be supplying information which might be used against you in a criminal proceeding?

Mrs. CAMPBELL. I am declining to answer on the ground—

Mr. ARENS. I respectfully suggest this record reflect an order and direction of the witness to answer that question.

Mr. WILLIS. You are ordered and directed to answer the question because it is a test of your good faith in the invocation of the privilege of the Constitution.

(The witness conferred with her counsel.)

Mrs. CAMPBELL. Mr. Willis, I really think there are some things you don't understand. For instance, you are from Louisiana. And I wonder how you would feel if suddenly you were a different color, my color, and with kinky hair and went back to Louisiana, and I know that in Louisiana there is a possibility that someone can be prosecuted because of this. And I am declining to answer any of these questions on the rights afforded me by the Constitution under the first and fifth amendments.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered to answer the question, as it is to test her good faith in invok-

ing the fifth amendment. She has no right to invoke the fifth amendment unless she honestly apprehends that to answer that question truthfully, while she is under oath, might supply information that might be used against her in a criminal proceeding.

Mrs. CAMPBELL. Truthfully, when you see the things that happen for people——

Mr. WILLIS. Now, you are ordered to answer that question, and I am very patient with you, and you may answer it or not answer it, but——

Mrs. CAMPBELL. My answer is it is possible under the conditions that exist.

Mr. ARENS. Do you know a person by the name of Elwood M. Dean, who was a candidate for public office on the Communist Party slate in 1950?

(The witness conferred with her counsel.)

Mrs. CAMPBELL. I am declining to answer questions regarding my associations on the first and fifth amendment.

Mr. ARENS. Mr. Collins is going to display to you a photostatic reproduction of a nominating petition nominating Elwood M. Dean as County Clerk on the Communist Party ticket bearing a number of signatures, including the signature of Jessie Campbell. I should like to have you look at that signature and tell this committee, while you are under oath, whether or not that is a true and correct reproduction of your signature.

(Document handed.)

(The witness conferred with her counsel.)

Mrs. CAMPBELL. No—the committee is asking me so many questions which do not have anything to do with what my life has represented and what I think is right and what I think is wrong. This committee owes——

Mr. WILLIS. You are directed to answer the question either way you want to, but you are not going to be permitted to make any more speeches.

Mrs. CAMPBELL. I am declining to answer the question on the same ground. I don't see the time: isn't it——

(Document marked "Campbell Exhibit No. 1" and retained in committee files.)

Mr. WILLIS. Next question.

Mr. ARENS. The next question is, Mr. Chairman:

Are you connected with, or have you been a member of, the National Council of the Arts, Sciences, and Professions?

Mrs. CAMPBELL. I am declining to answer that question on the same grounds.

Mr. SCHERER. You are a member of the Emergency Civil Liberties Committee, are you not?

Mrs. CAMPBELL. I decline to answer the question on——

Mr. SCHERER. The committee which placed the ad in the newspaper, the ad I——

Mrs. CAMPBELL. I didn't understand the question.

Mr. SCHERER. Do you know who wrote the ad?

Mrs. CAMPBELL. I decline to answer the question on the same ground.

Mr. ARENS. Do you know Harvey O'Connor, principal speaker for the rally of the Emergency Civil Liberties Committee here in Newark?

Mrs. CAMPBELL. You know there is a situation right here in Levittown, N. J., where Negroes are denied the right to move into homes because of the fact that they are Negroes.

Mr. ARENS. I respectfully suggest the witness be ordered to answer the question.

Mrs. CAMPBELL. I can't understand the committee, when there is a flagrant violation of Americanism you cannot bring your group in here to investigate this kind of thing. Why harass me for what I believe?

Mr. WILLIS. You are directed to answer the question.

Mrs. CAMPBELL. I decline to answer the question on the ground I have given previously.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. WILLIS. Witness excused.

Mr. ARENS. The next witness, if you please, Mr. Chairman, will be Thomas Leavy.

Will you kindly come forward? Thomas Leavy, please come forward. Remain standing while the chairman administers an oath to you.

Mr. WILLIS. Please raise your right hand.

Do you solemnly swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. LEAVY. I do.

Mr. WILLIS. No more pictures, please.

TESTIMONY OF THOMAS P. LEAVY, ACCOMPANIED BY COUNSEL, JOSEPH FORER

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. LEAVY. I might say that this committee heretofore knows me. I appeared in closed hearings July 15 in Washington, D. C., and gave answers to questions.

Mr. SCHERER. Mr. Chairman, I respectfully suggest you direct the witness to answer.

Mr. LEAVY. May I be permitted to ask why I am appearing here again?

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered to answer the question.

Mr. LEAVY. Is that a proper question?

Mr. WILLIS. What is the outstanding question?

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Mr. LEAVY. Is my question proper?

Mr. ARENS. I respectfully suggest the witness be ordered to answer the question as to his identification, his name, and occupation.

Mr. WILLIS. You are directed to answer that question, sir.

Mr. LEAVY. My name is Thomas P. Leavy. I live at 68 Seventh Avenue, Atlantic Highlands, N. J. I am a warehouseman.

Mr. ARENS. Where are you employed?

Mr. LEAVY. That is a question which I think might cost me my job. It has cost one person who has appeared here her job. And I think this committee ought to take it into consideration, especially in view of the letter which Mr. Scherer has seen in the paper and which states it is appalling to note, in the 14 months since the Supreme Court of the United States reaffirmed our constitutional rights, the Un-American Activities Committee has made no apparent change in the temper, tone, or purpose of its conduct.

Mr. ARENS. I respectfully suggest the witness be ordered to answer the question.

Mr. LEAVY. What was the question?

Mr. ARENS. Where are you employed?

Mr. LEAVY. Westinghouse, Hillside.

Mr. ARENS. You are appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. LEAVY. I am.

Mr. ARENS. And you are represented by counsel?

Mr. LEAVY. Yes.

Mr. ARENS. Counsel, will you kindly identify yourself on this record.

Mr. FORER. Gladly. Joseph Forer of Washington, D. C.

Mr. ARENS. How long have you been employed at your present place of employment?

Mr. LEAVY. It is 11 years.

Mr. ARENS. And what was your employment immediately prior to your present employment?

Mr. LEAVY. It was a period of unemployment, I believe; and then I was employed at Union Carbide & Carbon Corp. These are the major employment. There was a couple of days here and there. Union Carbide & Carbon, known as Oxwell Division, Frelinghuysen Avenue, Newark. And then—

Mr. ARENS. Were you, at any time, an officeholder in the United Electrical Workers Union, UE?

Mr. LEAVY. In the UE?

Mr. ARENS. Yes, sir.

Mr. LEAVY. I was a member of the executive board, Local 416.

Mr. ARENS. Over what period of time were you a member of the executive board of UE?

Mr. LEAVY. Approximately 1944, 1945.

Mr. ARENS. Are you, right now, a member of the Communist Party?

Mr. LEAVY. That is a question which I think is an insult to ask in this context. That this committee has whipped up, or attempted to whip up, a hysteria and then comes and asks a question of a person who is not prepared for what the committee is going to trot out as its evidence.

Mr. ARENS. Why don't you stand up like a red-blooded American, and deny that you are a Communist?

Mr. LEAVY. Because as a red-blooded American I am going to uphold the Constitution of the United States, including the first and the fifth amendments.

Mr. SCHERER. You are going to uphold it?

Mr. LEAVY. Yes.

Mr. SCHERER. We had a lot of criminals do that before the Senate committee who were testifying in the rackets investigation and their right to invoke the fifth amendment was also recognized as we recognize yours.

Mr. LEAVY. Are you inferring that I am a criminal, such as they?

Mr. SCHERER. No. I said they recognized—

Mr. WILLIS. I don't think he answered the question.

Mr. ARENS. I will lead into the question again.

Mr. Robert Dixon took an oath before this committee this morning and said that while he was a member of the Communist Party, he knew you, sir, as a member of the Communist Party. We want to afford you now an opportunity to either affirm or deny that testimony. Do you care to avail yourself of that privilege?

(The witness conferred with his counsel.)

Mr. LEAVY. I do not care to before this committee. If that is what you ask.

Mr. ARENS. Was Dixon in error or was he telling the truth.

(The witness conferred with his counsel.)

Mr. LEAVY. There is a complicating factor in that question. It is the fact that Mr. Dixon has appeared before this committee today as a surprise witness; he is not unknown to me. He graduated from high school with me. He has known my family since 1930 or 1929. He has been in my room when I was a young man. He has sat there in the depression, rolling cigarettes when it was hard to get tobacco. He has played cards. That is when I knew that man. And that man, when he got up here and made that statement, well I was just nauseated that a man who is a labor leader could sink so low as to become a finger man. That is my opinion.

Mr. ARENS. Was he telling the truth when he said you were a member of the Communist Party?

Mr. LEAVY. I would have to, in the context of this committee hearing and the hysteria, wind up refusing to answer that question.

Mr. ARENS. Why?

Mr. LEAVY. On the grounds both the first and the fifth amendments.

Mr. ARENS. Where else have you served with Dixon besides in the high school?

Mr. LEAVY. I don't understand the question.

Mr. ARENS. I understood you to say you went to high school with Mr. Dixon.

Mr. LEAVY. It is a big high school.

Mr. ARENS. Were there any other groups where you served with him, besides the high school?

Mr. LEAVY. You are again probing in the same thing that you know that any honest person called up into this situation would refuse to answer using his constitutional rights.

Mr. ARENS. In what other groups have you served with Dixon, besides in the high school?

Mr. LEAVY. Mr. Chairman, my answer is the same, first and fifth amendments.

Mr. ARENS. Do you honestly apprehend if you told this committee truthfully in what other groups you served with Dixon, you would be

supplying information which might be used against you in a criminal proceeding?

Mr. LEAVY. The question seems to be a favored one, Mr. Counsel, and you always get the same answer so I don't know why you waste time asking it.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness now be ordered to answer the question.

Mr. LEAVY. Am I ordered?

Mr. WILLIS. Yes, you are ordered to answer the question. It is a proper question.

Mr. LEAVY. I refuse to answer on the grounds of the first——

(The witness conferred with his counsel.)

Mr. LEAVY. Wait a minute. I forgot. Will you give the question again? My counsel properly reminded me that I forgot what the question was.

Mr. ARENS. Do you honestly apprehend, sir, if you told this committee truthfully of any other organization or organizations in which you served with Dixon, other than the high school, you would be supplying information which might be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. LEAVY. There is a possibility in this context.

Mr. ARENS. Have you ever worked in a war plant or a plant that had defense contracts?

Mr. LEAVY. I have.

Mr. ARENS. What plant, where, and when, please, sir?

Mr. LEAVY. I worked the first one in the General Motors, Eastern Aircraft Division, Bloomfield.

Mr. ARENS. When did you work there?

Mr. LEAVY. Approximately 1942 to 1945.

Mr. ARENS. In what capacity?

Mr. LEAVY. As a machine operator.

Mr. ARENS. Were you a Communist at the time?

Mr. LEAVY. Mr. Counsel, you again asking the same when-did-you-stop-beating-your-wife question. It is a waste of time. I refuse to answer.

Mr. ARENS. Why?

Mr. LEAVY. First and fifth amendments.

Mr. ARENS. Beg your pardon?

Mr. LEAVY. First and fifth amendments.

Mr. ARENS. What was the next defense plant you worked in?

Mr. LEAVY. Defense plant? I really didn't work in defense.

Mr. ARENS. Or a plant having defense contracts?

Mr. LEAVY. This plant I am employed in now had a defense contract for a period of time, but I was not connected with that portion of it.

Mr. ARENS. What caused your disassociation from this Eastern Aircraft defense plant?

Mr. LEAVY. The plant I think was afraid of the militant union and moved to New Brunswick.

Mr. ARENS. Was the militant union you speak of the UE?

Mr. LEAVY. It was Local 416.

Mr. ARENS. Of UE?

Mr. LEAVY. Yes.

Mr. ARENS. Do you know a person by the name of Joseph Alfone?

Mr. LEAVY. No matter what names you ask me in the context of this hearing, I must decline on the basis of the first and fifth amendments.

Mr. ARENS. Do you know a person by the name of Louis Malinow?

Mr. LEAVY. Same answer.

Mr. ARENS. Are you now in the Communist underground?

Mr. LEAVY. This is a ridiculous question. I don't know what you mean by underground, in the first place.

Mr. ARENS. Deny it.

Mr. LEAVY. I don't know what you mean by Communist underground.

Mr. ARENS. Do you want to make that assertion on this record, while you are under oath, that you do not know what we mean by Communist underground?

Mr. LEAVY. It is not an assertion. It is a statement. I don't think anyone knows, not only I.

Mr. ARENS. Have you used any name, other than the name under which you are appearing today?

Mr. LEAVY. I have to think about whether I did such a thing. Even if I did, which I doubt, I don't think I could say it here because some stool pigeon might get up and say I did. And I can't vouch for these stool pigeons that appear.

Mr. SCHERER. If a person you want to label as stool pigeon said you used another name, would he be telling the committee the truth?

Mr. LEAVY. What kind of question is it, really?

Mr. SCHERER. That is a good question.

Mr. LEAVY. There are so many things said here without a person having a chance to cross-examine, confront the witness, what can you do?

Mr. SCHERER. We do not need witnesses for the question that was asked. We just asked you if you ever used a name, other than the one you are using here today.

Mr. LEAVY. My answer is I refuse to answer on the principal grounds.

Mr. ARENS. Mr. Dixon, would you kindly come forward? Mr. Leavy says, in effect, he wants to be able to confront the person who puts him in the Communist Party by testimony under oath.

Mr. FORER. Are you going to let me cross-examine him, too?

Mr. ARENS. I respectfully suggest counsel now be admonished to restrain himself and abide by the rules of the committee, which he well knows.

Mr. WILLIS. I think the witness has been heretofore sworn, has he not?

Mr. ARENS. Yes.

Mr. LEAVY. I don't think this is a fair proceeding.

TESTIMONY OF ROBERT J. DIXON, Jr.—Resumed

Mr. ARENS. Mr. Dixon, do you see presently in the courtroom a person by the name of Thomas Leavy?

Mr. DIXON. Yes, sir.

Mr. ARENS. Do you see presently in the courtroom a person by the name of Thomas Leavy who, to your certain knowledge, you are pre-

pared to testify under oath was a member of the Communist Party while you were a member of the Communist Party?

Mr. DIXON. Yes, sir.

Mr. ARENS. Please point that person out and look him in the face so there will be no faceless informer and let him have an opportunity to see you.

(Complying.)

Mr. LEAVY. How can a man sink so low, that is what I want to know.

TESTIMONY OF THOMAS J. LEAVY—Resumed

Mr. ARENS. Now, Mr. Leavy, was this man here, who was under oath and looked you in the face and identified you as a person known by him to be a member of the Communist Party, was he telling the truth or was he in error?

Mr. LEAVY. I wish to state, first, that I don't think this is a proper confrontation and procedure.

Mr. WILLIS. You answer the question.

Mr. LEAVY. But I refuse to answer on the grounds of the first and fifth amendment.

Mr. WILLIS. We merely took your invitation. You said you wanted to be confronted by the witness.

Mr. LEAVY. I undertook half of the invitation.

(The witness conferred with his counsel.)

Mr. SCHERER. Mr. Counsel, I don't think the record is clear as to his answer with reference to whether or not he used another name. He danced around that.

Did you ever use any name other than the name you are appearing under here today?

(The witness conferred with his counsel.)

Mr. LEAVY. I had tried to explain why the question was improper in the first place in its context, but I refuse to answer on the grounds of the first and fifth amendments.

Mr. SCHERER. All right.

Mr. ARENS. I put it to you as a fact, sir, and ask you to affirm or deny the fact, that in August 1957 you were an elected chairman of the East Orange Club of the Communist Party. Please deny that while you are under oath if that is not true.

Mr. LEAVY. Same answer. First and fifth amendment. Refuse.

Mr. ARENS. Do you know a person by the name of Manuel Cantor?

Mr. LEAVY. Refuse to answer.

Mr. ARENS. Why?

Mr. LEAVY. Same ground.

Mr. ARENS. Now, Mr. Collins of this staff is going to display to you a number of documents bearing the signature of Thomas Leavy—nominating petitions, over the course of the last several years, in which persons were nominated on the Communist Party ticket for various public offices. We should like to have you glance at the signatures appearing on each of these several nominating petitions and tell this committee, while you are under oath, whether or not they are a true and correct reproduction of your signature, Thomas Leavy.

(Documents handed to witness.)

(The witness conferred with his counsel.)

Mr. LEAVY. These are public nominating petitions.

Mr. ARENS. Yes, sir.

Mr. LEAVY. For a legal party?

Mr. ARENS. I beg your pardon?

Mr. LEAVY. For a legal party?

I am asking a question, is it legal?

Mr. ARENS. Would you kindly answer the question, whether or not the signatures there, Thomas Leavy, are true and correct reproductions of your signature.

Mr. LEAVY. I will answer your question. I just want to know whether it is a legal party. Then, now—well, I refuse on the ground of the first and the fifth amendments. It is really an invasion of the privacy of a citizen to display his political opinions before a committee which is known as a witch hunting committee.

(Documents marked "Leavy Exhibit No. 1," and retained in committee files.)

Mr. ARENS. Is it your contention that the Communist Party is just a political party?

Mr. LEAVY. I made no contention about it.

Mr. ARENS. Is that your contention?

Mr. LEAVY. I refuse to answer on the grounds of the first and fifth amendments.

Mr. ARENS. Is the Communist Party a political party?

Mr. WILLIS. He refuses to answer.

Mr. LEAVY. Are you asking me as an authority?

Mr. SCHERER. Yes. We think you are.

Mr. LEAVY. I think there are other authorities you might consult.

Mr. ARENS. Did you participate in the Communist Party National Convention in New York City in February 1957?

Mr. LEAVY. I refuse to answer, the same reason.

Mr. Counsel, may I make one observation? I will make it, then. I note in the Star Ledger—

Mr. WILLIS. You just answer the question. We will get along better.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. WILLIS. The witness is excused.

We will be in recess for 5 minutes.

(Committee members present: Representatives Willis and Scherer.)

(Brief recess.)

(Committee members present: Representatives Willis and Scherer.)

Mr. WILLIS. Please call your next witness.

Mr. ARENS. The next witness, if you please, Mr. Chairman, will be Mary Adams Taylor.

Kindly come forward and remain standing while the chairman administers the oath.

Mr. WILLIS. Please raise your right hand.

Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mrs. TAYLOR. I do.

**TESTIMONY OF MARY ADAMS TAYLOR, ACCOMPANIED BY
COUNSEL HUBERT T. DELANY**

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

(The witness conferred with her counsel.)

Mrs. TAYLOR. My name is Mary Taylor, Mrs. Mary Taylor.

Mr. WILLIS. A little louder.

Mrs. TAYLOR. Mrs. Mary Taylor. What else did you ask?

Mr. ARENS. Your residence and your occupation.

Mrs. TAYLOR. I live 13 Baldwin Avenue in Newark and I am a clerk-typist.

Mr. ARENS. You are appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mrs. TAYLOR. Yes.

Mr. ARENS. And you are represented by counsel?

Mrs. TAYLOR. I am.

Mr. ARENS. Counsel, kindly identify yourself on this record.

Mr. DELANY. My name is Hubert T. Delany. My offices are located at 100 William Street, in the City of New York.

Mr. ARENS. Where are you employed?

Mrs. TAYLOR. Where am I employed? In the City of Newark.

Mr. ARENS. In what establishment?

Mrs. TAYLOR. At a finance company on Market Street.

Mr. ARENS. In what capacity?

Mrs. TAYLOR. As a clerk-typist.

Mr. ARENS. And the name of the finance company?

(The witness conferred with her counsel.)

Mrs. TAYLOR. Broad Finance Co.

Mr. ARENS. How long have you been employed there?

Mrs. TAYLOR. Approximately a year and a half.

Mr. ARENS. What was your employment immediately prior to your present employment?

(The witness conferred with her counsel.)

Mrs. TAYLOR. I decline to answer that question and I do so on the rights afforded to me under the first and fifth amendments of the United States Constitution.

Mr. ARENS. How long did your employment endure which preceded your present employment?

(The witness conferred with her counsel.)

Mrs. TAYLOR. I decline to answer that question for the same reason I declined to answer the previous question.

Mr. ARENS. Where were you born?

Mrs. TAYLOR. In the City of Newark.

Mr. ARENS. And a word about your education, please.

Mrs. TAYLOR. Yes. I had a public-school education—grammar, high, 2 years business.

Mr. ARENS. When did you complete your formal education?

Mrs. TAYLOR. Maybe about 1937 or 1938, 1939. I really can't remember.

Mr. ARENS. What was your first principal employment after you completed your formal education?

Mrs. TAYLOR. I decline to answer that question on the basis of previous declinations.

Mr. ARENS. How long did your first employment endure?

Mrs. TAYLOR. I decline to answer that question on the basis of previous declinations.

Mr. ARENS. Was there any employment in which you were engaged since you completed your education in 1937 or thereabouts until you assumed your present job concerning which you can tell us without revealing information that might be used against you in a criminal proceeding?

Mrs. TAYLOR. I decline to answer that question on the basis of previous declinations.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered to answer that question.

Mr. WILLIS. Yes. You are directed to answer the question.

(The witness conferred with her counsel.)

Mrs. TAYLOR. What is the question?

Mr. DELANY. What is the question?

(The record was read by the reporter as requested.)

Mrs. TAYLOR. I decline to answer that question on the basis of previous declinations.

Mr. ARENS. Mr. Chairman, I want the record, if you please, sir, to reflect an order and direction for the witness to answer that question.

Mr. WILLIS. She was answering pursuant to a direction.

Mr. ARENS. How long have you lived at your present address?

(The witness conferred with her counsel.)

Mrs. TAYLOR. Approximately 3 years.

Mr. ARENS. What was your address immediately prior to your present address?

(The witness conferred with her counsel.)

Mrs. TAYLOR. I decline to answer that question on the grounds of previous declinations.

Mr. ARENS. Did you live in New Jersey?

(The witness conferred with her counsel.)

Mrs. TAYLOR. I decline to answer that question.

Mr. ARENS. What was your address immediately prior to the address that you will not tell us about?

Mrs. TAYLOR. I decline to answer that question on the grounds of previous declinations.

Mr. ARENS. Are you now, this minute, a member of the Communist Party?

Mrs. TAYLOR. I decline to answer that question on the basis of previous declinations.

Mr. ARENS. Where were you in February of 1957, do you recall?

Mrs. TAYLOR. I decline to answer that question on the basis of previous declinations.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that you were in February, 1957 a delegate-at-large from New Jersey to the Sixteenth National Convention of the Communist Party.

Mrs. TAYLOR. I decline to answer that question on the basis of previous declinations.

Mr. ARENS. Do you recall where you were in April of 1957?

Mrs. TAYLOR. I decline to answer that question on the basis of previous declinations.

Mr. ARENS. Why?

Mrs. TAYLOR. What is your question? Why what?

Mr. ARENS. Why do you decline to answer that question?

Mrs. TAYLOR. I decline to answer the question on the basis of previous declinations.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered to answer the question.

Mr. WILLIS. You are directed to answer the question.

Mrs. TAYLOR. I decline on the basis of previous declinations.

Mr. DELANY. If the chairman please, as I understand it, the witness is refusing to answer on the basis of the right afforded her on the basis of the first and fifth amendments and she says so.

Mr. WILLIS. I understand.

Mr. ARENS. Please tell this committee whether or not you have been in consultation with persons known by you to be active, present members of the Communist Party respecting your appearance before this committee since you were served with your subpoena to appear before the committee.

Mrs. TAYLOR. I decline to answer that question by reason of the rights afforded me on the first and fifth amendments to the United States Constitution.

Mr. WILLIS. When was she served? About when were you served with the subpoena?

Mr. ARENS. 18th day of June 1958.

Mr. WILLIS. Did you understand the last question? It was whether, since that time—

Mrs. TAYLOR. You may repeat the question.

Mr. WILLIS. —you discussed your appearance here—general discussion with one or more persons concerning these very hearings with persons known to you to be members of the Communist Party.

Mrs. TAYLOR. That is what I thought you said. I decline to answer that question on the reasons of the rights afforded to me on the first and fifth amendments of the United States Constitution.

Mr. ARENS. Can you tell us where we might be able to find a man by the name of Manuel Cantor?

(The witness conferred with her counsel.)

Mr. WILLIS. What is his name?

Mr. ARENS. Manny Cantor. C-a-n-t-o-r.

Mrs. TAYLOR. I decline to answer that question on the basis of previous declinations.

Mr. ARENS. Are you a member of an organization dedicated to the overthrow of the Government of the United States and the destruction of the Constitution of the United States?

(The witness conferred with her counsel.)

Mrs. TAYLOR. What was the question?

Mr. DELANY. What is the question?

Mr. ARENS. The outstanding question, if you please, sir, is whether or not she is a member of organizations dedicated to the overthrow of the Government of the United States and Constitution of the United States.

Mrs. TAYLOR. If you please, sir, I think you have another question now. That does not seem to me to be the same question you asked before. And I beg of you to repeat because I do have a hearing difficulty.

Mr. ARENS. Are you a member of an association dedicated to the overthrow of the Government of the United States and the destruction of the Constitution of the United States?

Mrs. TAYLOR. I have never knowingly belonged to an organization that was dedicated to the overthrow of the United States Government or the Constitution.

(The witness conferred with her counsel.)

Mr. SCHERER. You said that——

Mr. DELANY. Just a moment. She hasn't finished her answer.

Mrs. TAYLOR. Yes, I said I have never knowingly belonged to an organization that was dedicated to the overthrow, or felt was dedicated to the overthrow, of the United States Government.

Mr. ARENS. Did your counsel just tell you to say that 2 minutes ago?

Mr. DELANY. Just a minute. I think it is a reflection on a member of the Bar. I have been a member of the Bar for 32 years and I had no one say I suborned perjury. And I state that on the part of counsel.

Mr. ARENS. I sat here and listened to counsel.

Mr. DELANY. This woman has a hearing difficulty, and I advise her what I think is proper.

Mr. SCHERER. And I think she now should answer the question.

Mr. DELANY. And I think it is an impertinence and insult to the American Bar.

Mr. WILLIS. Have you answered the question?

Mrs. TAYLOR. I have answered the question. I think that your records will show that the questions have been answered.

Mr. WILLIS. I noted in your answer that you first said that you did not knowingly belong to any organizations dedicated to the overthrow of the Constitution or the Government of the United States. And you later added the words "knowingly" or that you "felt."

Mrs. TAYLOR. Yes, that is right, sir, because I think feelings are very important, more important sometimes than we give credence, just like the way I feel when I have to sit here and go through this, when I know the struggle that my people are putting up every day for their rights when I happen to think that I don't know whether next week Negro children are going to be able to go to school in the South unmolested; yes, feelings are very important, and I did say that. I never belonged to an organization, I knowingly or felt was to overthrow the United States Government.

Mr. WILLIS. All right. This committee's job is to pursue the operations and machinations of the Communist conspiracy wherever it leads. We are not investigating any people or segment of the country, as such.

Mr. ARENS. Do you have present information, knowledge, respecting the present operations of the Communist Party in the Newark, New Jersey, area?

Mrs. TAYLOR. I am sorry, sir. I cannot hear you. I am just too upset. Repeat your question, and I will try again.

Mr. ARENS. Do you have present knowledge respecting the operation and machinations of the Communist Party presently, currently, in the New Jersey area?

Mrs. TAYLOR. I decline to answer that question on the rights afforded to me in the first and fifth amendments to the United States Constitution.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of the witness.

Mr. WILLIS. The witness will be excused.

The committee will stand in recess until 10 o'clock tomorrow morning.

(Whereupon, at 4:20 p. m., Wednesday, September 3, 1958, the hearing was adjourned until 10 a. m., Thursday, September 4, 1958.)

COMMUNIST INFILTRATION AND ACTIVITIES IN NEWARK, N. J.

THURSDAY, SEPTEMBER 4, 1958

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Newark, N. J.

PUBLIC HEARINGS

The subcommittee of the Committee on Un-American Activities met, pursuant to recess, at 10:05 a. m., in Courtroom No. 1, Post Office Building, Newark, N. J., Hon. Edwin E. Willis (chairman of the subcommittee) presiding.

Committee members present: Representatives Edwin E. Willis, of Louisiana, and Gordon H. Scherer, of Ohio.

Staff members present: Richard Arens, staff director; Raymond T. Collins and Frank Bonora, investigators.

Mr. WILLIS. The subcommittee will come to order.

The Chair has just received this telegram from David L. Walter, president of Local Union No. 349, United Brotherhood of Carpenters and Joiners of America:

The officers and members of this local union wish to congratulate you and your entire committee for a job well done and wish you continued success in putting the spotlight on those in our midst who are members of an organization that is working to destroy our way of life. All Americans should be thankful to you.

We are deeply grateful to this local for taking this position.

Call your first witness, Mr. Arens.

Mr. ARENS. Dennis L. James, kindly come forward and remain standing while the chairman administers an oath to you.

Mr. WILLIS. Please raise your right hand.

Do you solemnly swear, sir, that you will tell the truth, the whole truth, and nothing but the truth, so help you God?

Mr. JAMES. I do.

TESTIMONY OF DENNIS L. JAMES

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. JAMES. My name is Dennis L. James. I live at 20 Eckert Avenue, Newark, N. J. I work as accountant for the Port of New York Authority.

Mr. ARENS. How long have you been employed at the Port of New York Authority?

Mr. JAMES. Eight years.

Mr. ARENS. Have you been an accountant all of this time?

Mr. JAMES. No, sir.

Mr. ARENS. Would you kindly tell us the posts you have held with the Port Authority in addition to your present post as an accountant?

Mr. JAMES. I started with the Port Authority as a building attendant, and I received promotions to accounting clerk and then to position of accountant.

Mr. ARENS. Kindly tell us where you were born.

Mr. JAMES. I was born in Newark, New Jersey.

Mr. ARENS. Would you give us please, sir, a word about your education?

Mr. JAMES. I graduated from grammar school, high school, and Rutgers University.

Mr. ARENS. When did you receive your degree from Rutgers?

Mr. JAMES. In 1953.

Mr. ARENS. Did you go directly from Rutgers University to the Port Authority or did you have any job in the interim?

Mr. JAMES. I was working for the Port Authority when I graduated from Rutgers.

Mr. ARENS. Mr. James, have you ever been a member of the Communist Party?

Mr. JAMES. No, sir.

Mr. ARENS. Have you ever been a member of any group controlled by the Communist Party?

Mr. JAMES. I was a member of the Labor Youth League in New Jersey.

Mr. ARENS. Would you tell us at whose behest you became a member of the Labor Youth League?

Mr. JAMES. Mrs. Occriss Johnson.

Mr. ARENS. Could you tell us whether or not your membership in the Labor Youth League was on behalf of the Government of the United States?

Mr. JAMES. Yes, it was.

Mr. ARENS. In which you were in cooperation with the Federal Bureau of Investigation?

Mr. JAMES. Yes, it was.

Mr. ARENS. Would you kindly tell us when and where you joined the Labor Youth League?

Mr. JAMES. I joined the Labor Youth League in January of 1950 in Newark, N. J.

Mr. ARENS. Were you then attending college?

Mr. JAMES. Yes, sir.

Mr. ARENS. That was Rutgers University?

Mr. JAMES. Yes, sir.

Mr. ARENS. How long did you maintain your membership in the Labor Youth League?

Mr. JAMES. Until I dropped out, but I ceased activities with the Labor Youth League in January of 1952.

Mr. ARENS. I want the record to be clear, Mr. James, that you were at no time in sympathy with the Communist movement or at no time in sympathy with the Labor Youth League as such, that you were serving your Government in cooperation with the Federal Bureau of Investigation. That is true, is it not?

Mr. JAMES. Yes, sir.

Mr. ARENS. Were you constantly, regularly, reporting to that intelligence agency of our Government respecting your activities and respecting information which you acquired for your Government?

Mr. JAMES. Yes, sir.

Mr. ARENS. Did you at any time hold any office or any post in the Labor Youth League?

Mr. JAMES. Yes, sir.

Mr. ARENS. What office or post did you hold?

Mr. JAMES. At one time I was chairman of one of the clubs in the Labor Youth League. I was also the subscription chairman for Challenge magazine.

Mr. ARENS. Did you hold any other post?

Mr. JAMES. I held the post of administrative secretary of New Jersey, but it never materialized.

Mr. ARENS. You were designated for that, but you did not actually assume your duties, is that correct?

Mr. JAMES. That is right.

Mr. ARENS. Who recruited you into the Labor Youth League?

Mr. JAMES. Mrs. Occriss Johnson.

Mr. ARENS. How do you spell that first name? It is rather uncommon.

Mr. JAMES. O-c-c-r-i-s-s.

Mr. WILLIS. Johnson?

Mr. JAMES. Yes, sir.

Mr. ARENS. What branch of the Labor Youth League did you join?

Mr. JAMES. By branch, do you mean what club?

Mr. ARENS. Yes, sir.

Mr. JAMES. The Howard Fast Club.

Mr. ARENS. Was that located here in Newark?

Mr. JAMES. Yes, sir.

Mr. ARENS. Were there other clubs besides the Howard Fast Club of the Labor Youth League in Newark at the time?

Mr. JAMES. Yes, sir.

Mr. ARENS. To your knowledge how many other groups were there in the Labor Youth League?

Mr. JAMES. I can only remember one, the Paul Robeson Club.

Mr. ARENS. There were other groups, but you were not in contact with them, is that correct?

Mr. JAMES. Yes, sir.

Mr. ARENS. How many members were in the club of the Labor Youth League to which you were attached in the Newark area?

Mr. JAMES. About 15 or 20 persons.

Mr. ARENS. How many did you know about—even though you may not have known the identity of the individual—who were connected or were members of other clubs of the Labor Youth League in the Newark area?

Mr. JAMES. Do you mean the total membership of the Labor Youth League in Newark?

Mr. ARENS. Yes.

Mr. WILLIS. What area are you talking about, Counsel?

Mr. ARENS. The Newark area.

Mr. JAMES. In the Newark area?

Mr. ARENS. Yes. You told us there were 15 or 20 within the particular club to which you were attached. You have also told us that you know of other clubs, and I am wondering if you can give us an estimate or appraisal on the basis of your experience in the Labor Youth League as to the aggregate membership within the Labor Youth Clubs of Newark.

Mr. WILLIS. Ask him if he knows how many clubs there were, approximately.

Mr. ARENS. He said he knew specifically of only one other club, but that he knew there were other clubs he was not in contact with.

Mr. JAMES. Within 50 and 75 members.

Mr. ARENS. To your certain knowledge, who were the principal officers and leaders of the Labor Youth League in the Newark area?

Mr. JAMES. When I joined the Labor Youth League, the individual in charge was named Nat Brooks, Nathaniel Brooks.

Mr. ARENS. Can you give us a word about him; who was he?

Mr. JAMES. He was the executive state secretary of the Labor Youth League.

Mr. ARENS. Was he a Communist?

Mr. JAMES. To my knowledge he was a Communist on the basis of his own say-so.

Mr. ARENS. What were his functions?

Mr. JAMES. Well, he was in charge of the procedure and activities of the clubs in Newark.

Mr. ARENS. Who were some of the other leaders in the Labor Youth League in the Newark area?

Mr. JAMES. You mean as officers of the clubs?

Mr. ARENS. Yes. Officers and leaders.

Mr. JAMES. When I joined the Labor Youth League, the member of the Howard Fast Club that I knew was chairman of the Howard Fast Club was a Miss Evelyn Skoloff.

Mr. ARENS. Did you know whether or not she was a member of the Communist Party?

Mr. JAMES. No; I didn't know definitely except on her say-so.

Mr. SCHERER. Pardon me just a minute, Counsel.

You made that same statement with reference to the Communist membership of Nathaniel Brooks. You said Nathaniel Brooks was a Communist according to his own say-so, in other words, according to his own admission to you that he was a member of the Communist Party.

Mr. JAMES. Yes, sir.

Mr. SCHERER. And that is the best evidence obtainable, isn't it?

Mr. JAMES. In regard to Nathaniel Brooks I was asked to join the Communist Party.

Mr. SCHERER. By him?

Mr. JAMES. Yes, sir.

Mr. SCHERER. And he admitted to you that he was a member?

Mr. JAMES. That he was a member of the Communist Party.

Mr. SCHERER. Then what is the name of that last one?

Mr. ARENS. Evelyn Skoloff, S-k-o-l-o-f-f.

Mr. SCHERER. Did you make that same statement with reference to her, namely, that she was a member of the Communist Party according to her own say-so?

Mr. JAMES. Yes, sir.

Mr. SCHERER. In other words, she admitted to you, in one or more conversations that she was also a member of the party?

Mr. JAMES. Yes, sir.

Mr. ARENS. What was Evelyn Skoloff's function?

Mr. JAMES. At the time I joined the Labor Youth League, she was chairman of the Howard Fast Club.

Mr. ARENS. Did she have any liaison duties or activities between the Labor Youth League and the Communist Party itself?

Mr. JAMES. It was my belief that she did, but I do not know specifically with whom she may have had contact. By that I mean at times activities were designated to be done, and she would say that they were to be done. But to say that she received these words from certain individuals I could not say.

Mr. SCHERER. Let's clear that point up, also. You say she would say that these activities are to be done.

Mr. JAMES. Sir, as chairman of the Howard Fast Club, she led the meetings, and naturally she would be in charge of the agenda, but I couldn't say that the agenda came from someone connected with the Communist Party as such, because I was not aware of that.

Mr. ARENS. But you knew her as a Communist, and she had told you she was a Communist?

Mr. JAMES. She had referred to herself as a Communist.

Mr. SCHERER. Did she indicate in any way that she had received these instructions as to what had to be done in the Labor Youth League from an outside source without designating or naming the outside source?

Mr. JAMES. I couldn't say that she designated that she received this information from an outside source.

Mr. ARENS. Did you know Herbert Davis?

Mr. JAMES. Yes, I knew Herbert Davis.

Mr. ARENS. Give us a word about him, please, sir.

Mr. JAMES. At the time I joined the Labor Youth League, Herbert Davis was the educational director for the Howard Fast Club. He obtained literature that was sold to the members of the Howard Fast Club at meetings. To my knowledge he was also the State financial director, collector of funds.

Mr. ARENS. Of the Labor Youth League?

Mr. JAMES. Of the Labor Youth League.

Mr. ARENS. Tell us a little more, if you please, sir, about Occriss Johnson, who, according to your testimony a few moments ago, recruited you into the Labor Youth League.

Mr. JAMES. Occriss Johnson at the time, 1949, was living at my mother's home. She was a boarder there, and at that time I was unemployed, and we had various discussions about the unemployment situation. And she thought that I might get answers to some of my questions about the labor problem through working and being in the Labor Youth League. She identified herself as a Labor Youth League member, as well as a member of the Communist Party, and held several meetings at the house.

Mr. ARENS. Would you kindly tell us of any other persons who were in leadership capacity in the Labor Youth League—officers?

Mr. JAMES. Wendell Attington replaced Nat Brooks as executive secretary of New Jersey, I believe in 1950 or 1951.

Mr. ARENS. Would you give us a word about him, please?

Mr. JAMES. He was a gentleman who came from Texas, and Nat Brooks was unable to be in Newark at the time, and he assumed this position as executive secretary of New Jersey.

Mr. ARENS. Can you recall any other persons who, to your certain knowledge, were in leadership capacity in the Labor Youth League?

Mr. JAMES. I am a bit confused now.

Mr. ARENS. Did you know a person by the name of Stanley Jones?

Mr. JAMES. Yes, I did know Stanley Jones. He was at one time also chairman of the Howard Fast Club. He also had the capacity of chairman in the Paul Robeson Club at the time. It was through Stanley Jones that I attended a meeting at which the president of the furriers union spoke. It was at this meeting that I was approached by Nat Brooks to become a member of the Communist Party.

Mr. ARENS. Who was the president of the furriers union who spoke there? Was it Ben Gold?

Mr. JAMES. I believe it was Ben Gold.

Mr. ARENS. Did you know a person by the name of George Shevelov, S-h-e-v-e-l-o-v?

Mr. JAMES. Yes. George Shevelov was a member of the Howard Fast Club when I joined.

Mr. ARENS. Did you know Lorraine Jones?

Mr. JAMES. Lorraine Jones was the wife of Stanley Jones. She was also a member of the Howard Fast Club.

Mr. ARENS. Where had Ben Gold been just prior to the time that he made his speech at this meeting?

Mr. JAMES. I believe he had been on a vacation trip to Europe and Russia.

Mr. ARENS. Why didn't you go ahead and join the party itself after you were solicited?

Are you at liberty to tell us in a public session why you did not go on and join the party itself in view of the fact you were doing undercover work for the FBI?

Mr. JAMES. Well, I did accept the invitation to join the Communist Party in 1951, in June of 1951, but soon after that I was supposed to hear from someone. I never did.

Mr. ARENS. What did you do in the Labor Youth League? What were the activities performed by that organization?

Mr. JAMES. Some of the activities were securing signatures for petitions in the outlawing of the atom bomb.

Mr. ARENS. Was that considered the Stockholm Peace Petitions?

Mr. JAMES. Yes; I believe that was what was considered the Stockholm Peace Petitions.

We secured signatures asking for a cease-fire in Korea.

Mr. ARENS. To whom were these signatures to be sent?

Mr. JAMES. To the President of the United States.

Mr. ARENS. Proceed, please.

Mr. JAMES. One time we also collected food and clothing for the striking miners.

Mr. ARENS. Where was that?

Mr. JAMES. I believe it was in Pennsylvania.

Mr. ARENS. Did you distribute Communist literature or Labor Youth League literature in the community or among youth groups?

Mr. JAMES. No, sir.

Mr. ARENS. Did you assist in any way in developing or obtaining subscribers to any Communist literature, such as the Daily Worker?

Mr. JAMES. No; I did not.

Mr. ARENS. Did the Labor Youth League as such do so whether or not you did as an individual?

Mr. JAMES. Not to the public. The subscriptions for the Daily Worker were received in meetings, but not to the public, to my knowledge.

Mr. ARENS. Did you attend any Marxist training schools or any Communist training schools while you were a member of the Labor Youth League?

Mr. JAMES. Prior to becoming a member of the Labor Youth League, I attended the Jefferson School of Social Science Annex in Newark.

Mr. ARENS. What courses were taught there? Can you give us a word about that?

Mr. JAMES. The book that was used, the name of the book was the Theory and Practice of the Communist Party.

Mr. ARENS. Where did you attend?

Mr. JAMES. In Newark.

Mr. ARENS. How many others were being trained in your particular class?

Mr. JAMES. Between 10 and 15.

Mr. ARENS. Who was the instructor?

Mr. JAMES. A Mr. Jack Kolb.

Mr. ARENS. How often did the classes meet?

Mr. JAMES. Once a week.

Mr. ARENS. Day or night?

Mr. JAMES. At night.

Mr. ARENS. Where did they meet? Do you recall the particular place here in Newark?

Mr. JAMES. It was an office building on Clinton Avenue.

Mr. ARENS. As of the time you disassociated yourself from the Labor Youth League, was it beginning to go underground?

Mr. JAMES. Yes, I would say it was. The activities were not as openly performed as they had been in the past.

Mr. ARENS. Mr. James, on the basis of your experience, though not in the Communist Party itself, but within the Labor Youth League, which is the youth entity of the Communist Party, what appraisal would you make as to the seriousness of this operation, currently?

Mr. JAMES. Currently, I don't think I am in a position to say the seriousness of it; but I know in 1952, when I disassociated myself from the Labor Youth League, I felt that it was—the danger was serious because the activities were now underground and could not be detected as easily as in the past.

Mr. ARENS. Did the Labor Youth League serve as a recruiting arena for hard-core Communists?

Mr. JAMES. Well, members of the Labor Youth League were asked to become members of the Communist Party, as I myself was. And

many of the things, the activities and teaching classes, I felt led to becoming a member of the Communist Party.

Mr. WILLIS. Roughly, what was the age range of the members of the Labor Youth League?

Mr. JAMES. I think 18 to 35.

Mr. WILLIS. This Jefferson School of Social Science was in Newark?

Mr. JAMES. That was in Newark, sir. It was not a——

Mr. WILLIS. It was connected with the school by the same name in New York—a branch of it?

Mr. JAMES. I believe the instructors were from the school in New York. There was no designated school building as such.

Mr. ARENS. Do you know where Evelyn Skoloff worked while she was in a leadership capacity in the Labor Youth League?

Mr. JAMES. She worked in an office on Broad Street, near West Kenny Street or East Kenny Street, Newark.

Mr. ARENS. Was that the fur workers?

Mr. JAMES. Of the furriers union.

Mr. ARENS. Is there any tie-in between the activities of Evelyn Skoloff in the Labor Youth League and her activities in the Fur Workers' Union?

Mr. JAMES. By tie-in, do you mean one was——

Mr. ARENS. Did she use any of the facilities of the Fur Workers' in the promotion of activities of the Labor Youth League?

Mr. JAMES. I know she made use of the telephone and stationery, but I think that was the limit of it, using them for sending out mail and calling for meetings.

Mr. ARENS. Did any of the high echelon of the Communist Party other than Ben Gold, whom we have already mentioned, speak at, or lead, any of the meetings of the Labor Youth League?

Mr. JAMES. I don't actually know their positions in the Communist Party, but individuals who were identified as members of the Communist Party spoke at some meetings. There was a gentleman named Charles Nusser.

Mr. ARENS. Where did he live?

Mr. JAMES. I believe he lived in Newark.

Mr. ARENS. Who were some of the others?

Mr. JAMES. A Mr. Elwood Dean. He also lived in Newark.

Mr. ARENS. Did Louis Malinow, who, by the way, appeared before the committee yesterday, speak at any of the Labor Youth League meetings?

Mr. JAMES. He spoke at some meetings as the representative of the Civil Rights Congress.

Mr. ARENS. How about Jack Kolb? Did he speak?

Mr. JAMES. Actually, he was the instructor at the Jefferson School, and I can't recall him actually setting up a meeting whereby he was to speak, but at times he was present.

Mr. ARENS. I would like to get the record clear on one thing, Mr. James, namely, was a person, when first brought into the Labor Youth League—at the first meeting or so—told that this was an arm of the Communist Party or was he taken through an indoctrination transition process into the party?

Mr. JAMES. A person first coming into the Labor Youth League was not told that the Labor Youth League was an arm of the Communist Party. It was introduced as an organization for young people.

Mr. ARENS. What was the line of the Labor Youth League—what were the lines, I should say, because the Communist Party line fluctuates and changes from time to time?

Mr. JAMES. Many of the activities engaged in were in line with the activities fostered by the Communist Party at that time.

Mr. ARENS. What percentage of the young people in the Labor Youth League and in this conduit or process into the Communist Party were Negro youth and what percentage were white youth, roughly speaking? I know you probably haven't made a precise count.

Mr. JAMES. I would say it was about 3 Negroes to 2 whites.

Mr. ARENS. Were the meetings open meetings? Or were they meetings at which only the persons who were invited and were there by prearrangement, were in attendance?

Mr. JAMES. They were meetings with persons who knew the meetings were to be held, rather than open to the public.

Mr. ARENS. The Labor Youth League itself is a successor organization to the American Youth for Democracy, is it not?

Mr. JAMES. I have heard it referred to as such, sir, but I don't know anything about it.

Mr. ARENS. You know about the antecedent organizations of the Labor Youth League?

Mr. JAMES. No; I do not.

Mr. ARENS. Do you know about the Young Communist League, which was the first predecessor organization?

Mr. JAMES. No; I do not.

Mr. ARENS. What were the dues?

Mr. JAMES. I believe the dues were 35 cents a month. Let me think. Actually there were three different sets of dues: one for those members who were working, there was another rate for those who were attending school, another rate for those who were unemployed. I think for those employed it was 50 cents. Those attending school I think it was 35 cents, and those unemployed it was 15 cents.

Mr. ARENS. When you were in leadership capacity in the particular club to which you belonged in the Labor Youth League, with whom did you consult in order to develop the policy which you would pursue to establish the agenda of the meetings and the like?

Mr. JAMES. I met with what was called the executive committee, consisting of Mr. Wendell Attington, Miss Skoloff—

Mr. ARENS. That is Evelyn Skoloff?

Mr. JAMES. Evelyn Skoloff, the chairman of the Paul Robeson Club. Herb Davis at times would be present. Actually it would be whatever individuals made up the executive committee at that time.

Mr. ARENS. During your experience in the Labor Youth League, as an arm of the Communist conspiracy in the United States, did it work in collaboration or in conjunction with other Communist arms, such as the Civil Rights Congress, and the like?

Mr. JAMES. Many of the activities that were being fostered by the Civil Rights Congress were also supported by the Labor Youth League.

Mr. ARENS. Was there any intermeshing of operations to your knowledge?

Mr. JAMES. Members of the Civil Rights Congress were also members of the Labor Youth League.

Mr. ARENS. Was there any intermeshing as between the Labor Youth League and the Progressive Party?

Mr. JAMES. Members of the Progressive Party were also members of the Labor Youth League.

Mr. ARENS. We have no further questions, Mr. Chairman.

Mr. WILLIS. We certainly appreciate your appearance here, Mr. James. We think you are a very fine citizen and a great American. We congratulate you for the position you took in assisting your Government, and we appreciate your coming here very much.

* * * * *

Mr. ARENS. The next witness, if you please, Mr. Chairman, will be Evelyn Skoloff Goldberg. Please come forward.

Mr. WILLIS. Kindly raise your right hand. Stand up, please.

Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth and nothing but the truth, so help you God?

Mrs. GOLDBERG. I do.

* * * * *

TESTIMONY OF EVELYN (SKOLOFF) GOLDBERG, ACCOMPANIED BY COUNSEL, LEONARD B. BOUDIN

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mrs. GOLDBERG. Evelyn Goldberg, 10 Custer Place, Newark. I am a secretary.

Mr. ARENS. Would you kindly raise your voice?

Mrs. GOLDBERG. I said that I am a secretary.

Mr. ARENS. You are appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mrs. GOLDBERG. Yes.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. BOUDIN. Leonard B. Boudin, 25 Broad Street.

(The witness conferred with her counsel.)

Mr. ARENS. Are you Miss or Mrs.?

Mrs. GOLDBERG. Mrs.

Mr. ARENS. Where were you born please?

Mrs. GOLDBERG. In Newark.

Mr. ARENS. Give us, please, just a word about your education.

Mrs. GOLDBERG. I graduated from grammar school, high school.

Mr. ARENS. When did you graduate from high school?

Mrs. GOLDBERG. In 1942.

Mr. ARENS. Did that complete your formal education?

Mrs. GOLDBERG. Yes.

Mr. ARENS. And tell us about your first principal employment.

Mrs. GOLDBERG. Would you repeat that, please?

Mr. ARENS. Your first principal employment after you completed your formal education?

(The witness conferred with her counsel.)

Mrs. GOLDBERG. I decline to answer the question on the following grounds—

Mr. ARENS. Just a moment please. You are reading from a prepared statement?

Mrs. GOLDBERG. I wrote down some reasons why.

Mr. ARENS. You are reading from a prepared statement?

Mrs. GOLDBERG. Yes.

Mr. ARENS. I just want the record to reflect that. Proceed, if you please.

Mrs. GOLDBERG. I decline to answer on the following grounds: My rights under the first amendment, my constitutional privilege under the fifth amendment, the vagueness of the resolution creating the committee, the committee's lack of jurisdiction, and the questions lack pertinency.

Mr. ARENS. Do you honestly fear that if you told this committee truthfully while you are under oath what your first principal employment was after you completed your formal education, you would be supplying information that might be used against you in a criminal proceeding?

(The witness conferred with her counsel.)

Mrs. GOLDBERG. I rely upon the provision of the fifth amendment to the Constitution, which provides that no person shall be compelled in any criminal case to be a witness against himself.

Mr. ARENS. I am not certain that I heard your address. What is your street address?

Mrs. GOLDBERG. 10 Custer Place, in Newark.

Mr. ARENS. Did you ever live on Clinton Place?

(The witness conferred with her counsel.)

Mrs. GOLDBERG. I decline to answer for the reasons that I stated above.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer the question.

Mr. WILLIS. Yes. I direct you to answer that last question.

Mrs. GOLDBERG. I decline to answer for the reasons that I stated before.

Mr. ARENS. Yesterday, Mr. Irving Fishman of the United States Customs Bureau, testified before this committee respecting the veritable flood of Communist propaganda which is being disseminated over the length and breadth of this land to schools, colleges, youth groups, and the like—foreign Communist propaganda. It is our information that you, Evelyn Skoloff Goldberg, are now one of the disseminators of that propaganda, one of the nerve centers in the Newark area. I should like to display to you now an issue of World Youth, a Communist publication that comes into this area in great volume, ask you to glance at it, and tell this committee while you are under oath whether or not, first of all, you are a regular recipient of that publication.

(A document was handed to the witness.)

(The witness conferred with her counsel.)

Mrs. GOLDBERG. I decline to answer for the reasons that I stated before.

Mr. ARENS. Did you ever see that publication, World Youth, before?

Mrs. GOLDBERG. I decline to answer for the same reasons.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that you are and have been for some time one of the conduits through which Communist propaganda from abroad is disseminated in the Newark area. If that is not true, please deny it while you are under oath.

(The witness conferred with her counsel.)

Mrs. GOLDBERG. I decline to answer for the same reasons.

Mr. ARENS. Do you know the witness who preceded you on the witness stand, Dennis James?

(The witness conferred with her counsel.)

Mrs. GOLDBERG. I decline to answer for the same reasons.

Mr. ARENS. Mr. James testified a few moments ago while under oath—I am not quoting him, I am paraphrasing his testimony—to the effect that while he served as a member of the Labor Youth League, an arm of the Communist Party among youth, and which he served in at the behest of, and in cooperation with, the Federal Bureau of Investigation, he knew you as one of the leaders of the Labor Youth League in this area, that you had identified yourself to him as a member of the Communist Party. That is a very serious assertion to make against any person. We would like now to afford you the opportunity to deny that testimony while you likewise are under oath. Do you care to avail yourself of that opportunity?

Mrs. GOLDBERG. I decline to answer for the reasons that I stated before.

Mr. ARENS. Mr. Collins is going to display to you a number of nominating petitions—photostats of which have come into the possession of this committee in legal process—bearing signatures of individuals nominating certain persons for public office on the Communist Party ticket. Among those signatures appears the signature of yourself, Evelyn Skoloff, 301 Clinton Place, Newark, New Jersey. Kindly look at those photostats which he displays to you and tell this committee while you are under oath whether or not the signatures of Evelyn Skoloff, on the several documents are true and correct reproductions of your own signature.

(Documents were handed to the witness.)

(The witness conferred with her counsel.)

Mr. ARENS. Now would you kindly answer the question?

Mr. BOUDIN. Would you repeat the question, Mr. Arens?

Mr. ARENS. Do the signatures appearing on the documents which have been displayed to you truly and accurately represent the reproduction of the signatures affixed by yourself to these nominating petitions?

(The witness conferred with her counsel.)

Mrs. GOLDBERG. I decline to answer for the reasons I stated before.

(Documents marked "Evelyn Skoloff Goldberg Exhibit No. 1" and retained in committee files.)

Mr. ARENS. How long have you been employed at your present place of employment?

Mrs. GOLDBERG. I decline to answer for the same reasons.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer the question. She already opened the

door by telling us in a preliminary manner in response to a preliminary question how she was employed. I now ask how long she has been employed there.

Mr. WILLIS. You are directed to answer that question.

(The witness conferred with her counsel.)

Mrs. GOLDBERG. I decline to answer on the following grounds: my rights under the first amendment, my constitutional privilege under the fifth amendment, the vagueness of the resolution creating the committee, the committee's lack of jurisdiction, and the question's lack of pertinency.

Mr. SCHERER. I should have been paying more attention to your refusal. Did you include the fifth amendment?

Mr. WILLIS. Yes.

Mrs. GOLDBERG. I did.

Mr. SCHERER. Where did you say you worked?

(The witness conferred with her counsel.)

Mr. WILLIS. Where did she say she was working?

Mr. ARENS. We will ask her now. Where are you employed?

Mr. WILLIS. I think you gave answer to that when you took the stand.

Mr. BOUDIN. No, Mr. Chairman, the witness didn't.

Mr. ARENS. Please tell the committee where you are employed.

Mrs. GOLDBERG. I decline to answer.

Mr. ARENS. Let the record reflect that query is for the purpose of identification. Now kindly tell us where you are employed.

Mrs. GOLDBERG. I decline to answer for the reasons that I stated.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer the question as to where she is employed.

Mr. WILLIS. Yes. I direct you to answer the question where you are employed.

Mrs. GOLDBERG. I decline to answer for the same reasons.

Mr. SCHERER. And one of the reasons for refusal is that to answer might tend to incriminate you. Is that right?

Mr. WILLIS. Yes.

Mrs. GOLDBERG. Under the fifth amendment.

Mr. SCHERER. Your answer to my question is "Yes," then?

Mrs. GOLDBERG. Yes, sir.

Mr. SCHERER. Is that right?

Mrs. GOLDBERG. Yes.

Mr. SCHERER. Are you engaged in any type of illegal activity at this time?

(The witness conferred with her counsel.)

Mr. BOUDIN. May we have the question repeated?

Mr. ARENS. Will you read it?

(The reporter read from his notes as requested.)

Mrs. GOLDBERG. No.

Mr. ARENS. Then how can you use as a basis for refusing to answer this question that your answer as to where you are employed or what you are doing might tend to incriminate you, if you say that you are not engaged in any illegal activity? It is obvious then that you are using the fifth amendment improperly and not invoking it in good faith.

Therefore, Mr. Chairman, in view of her statement that she is not engaged in any illegal activity, I ask again that she be directed to answer the question as to her present employment.

Mr. BOUDIN. Mr. Chairman, a legal question has been raised.

Mr. WILLIS. With that request you are directed to answer the question.

Mr. BOUDIN. A legal question has been raised by——

Mr. ARENS. Counsel is aware his sole and exclusive prerogative is to advise his client.

Mr. BOUDIN. I am directing myself to the chairman at the moment.

Mr. WILLIS. The Chair understands.

Mr. BOUDIN. Understands my position?

Mr. WILLIS. There is a direction. You are directed to answer the last question, and it is an inquiry as to where you are presently employed.

(The witness conferred with her counsel.)

Mrs. GOLDBERG. I decline to answer for the same reasons that I stated before.

Mr. WILLIS. Proceed.

Mr. ARENS. Have you been engaged in any activity or held any employment since you completed your formal education in high school, including up to the present time, concerning which you can tell this committee without revealing information that might be used against you in a criminal proceeding?

(The witness conferred with her counsel.)

Mrs. GOLDBERG. Could you make the question clearer?

Mr. ARENS. Yes. You have invoked the privilege against self-incrimination in response to questions as to your first employment, and you have done likewise with respect to your present employment. I am now asking you if you have ever been engaged in any employment since you got out of high school concerning which you can tell this committee without giving information which might be used against you in a criminal proceeding.

(The witness conferred with her counsel.)

Mrs. GOLDBERG. I decline to answer the question for all the reasons that I stated before, and I will repeat them if you want me to.

Mr. ARENS. Are you now, this minute, a member of the Communist Party?

(The witness conferred with her counsel.)

Mrs. GOLDBERG. I decline to answer the question for the reasons that I stated before.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. SCHERER. Mrs. Goldberg, Mr. Arens asked you whether you were not the nerve center in the Newark area for the distribution of Communist propaganda coming into this country from behind the Iron Curtain through youth groups, and he exhibited to you only one of hundreds of publications which were on the table and in the courtroom yesterday when Mr. Fishman was testifying.

I have here one of those publications, one of those pieces of propaganda entitled "Data on Atrocities of United States Army in South Korea," dated 1958. I am going to ask Mr. Collins of the staff to

show this to you and ask whether or not you have distributed this particular piece of propaganda.

(A document was handed to the witness.)

(The witness conferred with her counsel.)

Mr. SCHERER. I am asking you that question particularly since this publication deals with alleged attacks by American soldiers in Korea upon children and youths, charging them with atrocities of the worst possible kind.

(The witness conferred with her counsel.)

Mrs. GOLDBERG. I decline to answer for the reasons that I stated before.

Mr. SCHERER. Now, Mr. Chairman, I ask that you direct the witness to answer the question.

Mr. WILLIS. I direct you to answer the last question.

(The witness conferred with her counsel.)

Mrs. GOLDBERG. I decline to answer for the following reasons: My rights under the first amendment, my constitutional privilege under the fifth amendment, the vagueness of the resolution creating the committee, the committee's lack of jurisdiction, and the question's lack of pertinency.

Mr. SCHERER. I have no further questions.

Mr. WILLIS. The witness will be excused.

* * * * *

Mr. WILLIS. We will declare a five-minute recess.

(A brief recess was taken.)

(Subcommittee members present: Representatives Willis and Scherer.)

(Subcommittee members present at the reconvening of the hearing: Representatives Willis and Scherer.)

Mr. WILLIS. Please call your next witness.

Mr. ARENS. Edward C. Taylor, please come forward.

Mr. WILLIS. Please raise your right hand.

Do you solemnly swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. TAYLOR. I do.

Mr. WILLIS. Proceed, Mr. Counsel.

TESTIMONY OF EDWARD (EDDIE) C. TAYLOR, ACCOMPANIED BY COUNSEL, HUBERT T. DELANY

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Mr. TAYLOR. My name is Eddie Taylor. I live at 325 Belmont Avenue in the City of Newark, and I am unemployed.

Mr. ARENS. Is your middle initial "C"—Edward C. Taylor?

Mr. TAYLOR. Yes.

Mr. ARENS. You are appearing here today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. TAYLOR. Yes.

Mr. ARENS. You are represented by counsel?

Mr. TAYLOR. Yes, I am. I am represented by counsel who——

Mr. ARENS. Counsel, will you kindly identify yourself.

Mr. DELANY. My name is Hubert T. Delany and my office is located at 100 William Street in the City of New York.

Mr. TAYLOR. Mr. Chairman——

Mr. ARENS. Have you ever used any name other than the name Edward C. Taylor?

(The witness conferred with his counsel.)

Mr. TAYLOR. Will you restate the question, please?

Mr. ARENS. Have you ever used any name other than the name Edward C. Taylor?

Mr. TAYLOR. I decline to answer the question on the rights and privileges granted to me on the first and fifth amendments.

Mr. ARENS. Do you honestly feel if you told this committee whether or not you ever used any name other than the name Edward C. Taylor you would be supplying information which might be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. TAYLOR. Mr. Arens, it is quite possible in view of the fact that in light of people like Matusow and others, and I am just a little bit suspicious of the motives of this committee, the fact that it has failed and hesitated to investigate the Ku Klux Klan, the White Citizens Council, and even your Southern-Manifesto chairman up there from Louisiana. I am suspicious of the motives of this committee, and I feel that I in this particular question have to invoke my rights.

Mr. ARENS. Tell us, are you now, this minute, a member of the Communist Party?

Mr. TAYLOR. I feel that you are attempting to pry into my rights to think as I feel, which——

Mr. ARENS. We do not want to do that. We do not want to pry into your rights to think. We want to know whether or not you are a member of the Communist Party.

Mr. TAYLOR. The Ku Klux Klan, you aid and abet. I want to answer your question in my own way and don't put words in my mouth.

Mr. ARENS. I won't do that.

Mr. TAYLOR. I think you are trying to.

Mr. ARENS. Tell us, are you now a member of the Communist Party—right now a member of the Communist Party?

Mr. TAYLOR. I started to answer. May I answer the question?

Mr. ARENS. Please answer the question.

Mr. TAYLOR. I started to before.

In view of the fact, as I said before, that I am suspicious of the motives of this committee, Matusows and other stool pigeons that you used, the fact that you have aided and abetted the anti-integrationist forces, the fact that I am confronted here today with a Southern-Manifesto-signing Congressman who, for all I know, might be a member of the White Citizens Council or Ku Klux Klan——

Mr. WILLIS. Just answer the question.

Mr. TAYLOR. I am answering the question.

Mr. WILLIS. Are you now, or have you ever been, a member of the Communist Party?

Mr. TAYLOR. I refuse to be intimidated. Do I have a right to talk? I can't answer the question unless I talk. You tell me how I can

answer without talking. You tell me how I can answer without talking.

Mr. ARENS. You can tell us "Yes, I am a Communist," or "No, I am not a Communist."

Mr. WILLIS. Answer "Yes" or "No."

Mr. TAYLOR. You say that where they go to vote in Georgia where they shot them the other day. I am going to answer you in my own way.

My answer is that I decline to answer under the rights and privileges granted me under the first and fifth amendments, and I also invoke the thirteenth, fourteenth, and fifteenth, if you please.

Mr. SCHERER. Well, this member doesn't happen to be from Louisiana. This member has supported civil rights legislation.

Mr. TAYLOR. I—

Mr. SCHERER. Please just keep your mouth shut a moment.

Mr. TAYLOR. I have been told to shut up many times. I didn't open my mouth. I refuse to be intimidated by you from Cincinnati.

Mr. Chairman, do I have the right to sit here?

Mr. WILLIS. Now, a question is about to be propounded.

Mr. TAYLOR. Yes, but he assumed that I was going to say something. He said keep my mouth shut. I am not accustomed to being shut up since I was run out of Alabama. I don't feel that—I won't permit you to bring the plantations to New Jersey.

Mr. SCHERER. Just a minute now. I just wanted to say that this member of the committee has supported civil rights legislation.

Mr. TAYLOR. That's very good, very good.

Mr. SCHERER. Just a minute. This member has had an award from the colored citizens of Cincinnati for his service to the cause of Negroes on two different occasions.

Mr. TAYLOR. Are you referring to yourself?

Mr. SCHERER. I am referring to myself.

Mr. TAYLOR. I was talking about Mr. Willis.

Mr. SCHERER. I want to say to you it is professional Negroes like yourself, members of the Communist conspiracy, that hurt the cause of civil rights.

Mr. TAYLOR. I resent that. Negro people are not members of any conspiracy. The only conspiracy we are guilty of is to overthrow Jim Crow.

Mr. SCHERER. All right. I had my say.

Mr. WILLIS. Proceed.

Mr. ARENS. Where and when were you born?

(The witness conferred with his counsel.)

Mr. TAYLOR. Mr. Arens, I was born in the State where on yesterday the Reverend Martin Luther King was arrested by the Court House at Montgomery, Ala. His arms were twisted, and I think it is a tragedy. I was born in Alabama, a little coal—

Mr. ARENS. Tell us the date, please.

Mr. TAYLOR. I will get to that, if you please. I told you, Mr. Arens, don't put words in my mouth. I am not going to shut up. I have been having white people put words in my mouth ever since I was a black man. And I'm damned sick and tired of it.

Mr. WILLIS. You are not going to desecrate this courtroom with that language, sir. One more explosion from you and I am going to ask the marshal to escort you out.

Mr. TAYLOR. I will consider it an honor.

Mr. WILLIS. You are not going to desecrate this courtroom with that language.

Mr. TAYLOR. Mr. Chairman, when I think of the Willie McGee and Emmett Till, I must say I get carried away. I apologize to the people here in the interests of democracy. I make no apologies to the committee.

Mr. ARENS. Tell us where you were born.

Mr. TAYLOR. In further answer to your question, Mr. Arens, I was born in Alabama, a little coal mining town called Mulga, on December 4, 1924, sir.

Mr. ARENS. And give us a word about your education, please.

(The witness conferred with his counsel.)

Mr. TAYLOR. I attended a little Jim Crow school in Mulga, which was a grammar school. I also attended a Jim Crow school in Westfield, Ala., which was a high school. I further had four years of vocational training at a Jim Crow college at Normal, Ala., the Alabama A. and M.

Mr. ARENS. When did you complete your formal education?

Mr. TAYLOR. To my knowledge, it was the year 1943, to my knowledge.

Mr. ARENS. Tell us, what was your first employment after you completed your formal education?

(The witness conferred with his counsel.)

Mr. TAYLOR. Mr. Chairman, to my knowledge my first employment was at a job in which I was a laborer, and I went to the boss and asked him for the right to be a carpenter's helper, and he called me a black son of a bitch and ran me off the job. This was in Birmingham Municipal Airport. This was my first employment.

Mr. ARENS. And your next principal employment, please?

(The witness conferred with his counsel.)

Mr. TAYLOR. Will you restate the question, Mr. Chairman?

Mr. ARENS. Your next principal employment.

Mr. TAYLOR. My next principal employment was—I got sick and tired of being insulted and denied jobs under the Jim Crow system of Alabama, and I went into Niagara Falls, N. Y., to seek employment, and I was employed there by the Vanadium Corporation of America.

Mr. ARENS. How long did that employment endure?

Mr. TAYLOR. Oh, I was there until I was inducted into the United States Navy. Roughly, four months.

Mr. ARENS. When were you inducted into the United States Navy?

Mr. TAYLOR. August 1943.

Mr. ARENS. Did you take an oath when you were inducted into the United States Navy to support and defend the Constitution of the United States against all enemies, foreign and domestic?

(The witness conferred with his counsel.)

Mr. TAYLOR. I took that oath, Mr. Chairman, and I done that. I have a Presidential citation and fourteen major battle stars as proof of it.

Mr. ARENS. Were you at any time a member of the Communist Party during your service in the United States Navy?

Mr. TAYLOR. Now, Mr. Chairman, you are running a little bit afield here. I refuse to be a stool pigeon. I refuse to be used in this com-

mittee, what I suspect to be the motives of the committee to aid and abet the segregationists of the country and I also suspect that I may be——

Mr. SCHERER. Mr. Witness——

Mr. TAYLOR. I am invoking my privilege, if I may, Mr. Scherer.

Mr. SCHERER. Do you charge this particular member of the committee of aiding the segregationists of this country? Do you make that charge against this member of the committee?

Mr. TAYLOR. Mr. Scherer, the fact that this committee went to Atlanta, Ga., and its lead-off witness was your own Chairman's good friend, Marvin Griffin—Walter called him his good friend Marvin Griffin, who takes public credit in advising Faubus, I can't see any other conclusion I could come to. Tell me any other conclusion I can come to or any other Negro could come to.

Mr. SCHERER. It makes it difficult for men like me to continue to do what I have done in the past.

Mr. TAYLOR. Obviously you didn't do it in good faith, Mr. Chairman. Obviously you agreed with Mr. Marvin Griffin of Georgia who is in the White Citizens Council. He takes credit publicly of advising Faubus in acts of treason against the Federal institutions of this country, which is more than you can say against me.

Mr. SCHERER. I agree that you are one of those Jackie Robinson said before this committee is a discredit to the Negro race.

Mr. TAYLOR. I am one of those who supported Robinson on the reelection of Adam Clayton Powell. I was on the platform with him, and I want you to know that.

Mr. SCHERER. You are one of those who uses your position to aid the Communist cause. You are not interested in the welfare of the Negro. You are interested in agitation to promote the Communist cause.

Mr. TAYLOR. Why don't you stop abusing me. And do something about the Ku Klux Klan and White Citizens Council—Faubus—do something about him, or the shooting of Negroes in Georgia for the right of attempting to vote.

Mr. WILLIS. Proceed.

Mr. ARENS. When were you discharged from the United States Navy?

(The witness conferred with his counsel.)

Mr. TAYLOR. Will you repeat the question, Mr. Chairman?

Mr. ARENS. When were you discharged from the United States Navy?

Mr. TAYLOR. To my knowledge I think it was December 13, 1945.

Mr. ARENS. And your first principal employment after your discharge from the Navy?

(The witness conferred with his counsel.)

Mr. TAYLOR. Now, Mr. Chairman, as I said before, or Mr. Arens, as I said before, I am suspect—I suspect that the committee by using stool pigeons, and I certainly have seen it in the press, it has been my experience—will you tell your man, Wyatt Earp there—he tried to arrest me yesterday.

Mr. JOB. Who is Wyatt Earp?

Mr. TAYLOR. You are.

Mr. JOB. Listen you, out.

Mr. TAYLOR. He is the chairman.

Mr. Chairman, I protest.

Mr. JOB. I want to remove him. He has protested enough. He has protested enough here.

Mr. TAYLOR. I protest.

Mr. WILLIS. I think he is completely justified.

Mr. JOB. You have protested all you want. Get out.

Mr. DELANY. I am making a public protest of the marshal—

Mr. JOB. I will throw you out, too.

Mr. DELANY. You won't throw me out. I am a lawyer.

Mr. JOB. I will throw you out, too.

Mr. HALLETT. He won't throw you out.

Mr. DELANY. I protest, Mr. Chairman, because yesterday three Negroes—one was taken in the pen for doing nothing.

Mr. WILLIS. You are a member of the Bar.

Mr. DELANY. I am a respected member of the Bar and I respect my rights. I will not have the marshal tell me he is going to throw me out of the room.

Mr. WILLIS. I will take your word for that. I think you owe it to the Federal courtroom to restrain yourself.

Mr. DELANY. I owe it to the Federal courtroom if the chairman treats me with dignity and respect to which I am, as a lawyer, entitled.

Mr. SCHERER. Counsel, you are largely responsible for the actions of the witnesses you represent.

Mr. DELANY. I resent that. You have no right to say that. I did not speak for him. I was advising him of his legal rights. I have had several clients before this committee and I resent that charge.

Mr. WILLIS. You will please sit down, sir.

Mr. DELANY. I will be glad to do so, but I want to be respected.

May I know for the record what this man was arrested for, Mr. Chairman? Mr. Chairman, may I know what this man was arrested for?

Mr. ARENS. The next witness, if you please, Mr. Chairman, will be Mr. John Karakos.

Please come forward.

Mr. DELANY. Mr. Chairman, may I have a ruling from you why this man was arrested?

Mr. ARENS. Counsel knows his sole and exclusive prerogative is to advise the witness.

Mr. WILLIS. You saw his actions, accusing the United States marshal in front of all these people with insulting and jeering remarks.

Mr. DELANY. The record will speak for itself. Are we finished with this witness?

Mr. WILLIS. The witness is excused.

Mr. DELANY. The witness is excused. Thank you very much.

Mr. ARENS. John Karakos, kindly come forward.

Please remain standing while the chairman administers an oath to you.

Mr. WILLIS. Please raise your right hand.

Mr. KARAKOS. Mr. Chairman, I move this committee to squash the subpoena as not returnable here today on the grounds that it has not explicitly—

Mr. WILLIS. Until you have been sworn you are not under the jurisdiction of the committee.

Mr. KARAKOS. I take exception to that ruling, Mr. Chairman.

I have not been informed of what I am going to be interrogated and not interrogated about. I have only a slight suspicion.

Mr. WILLIS. Please raise your right hand.

Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. KARAKOS. I do.

**TESTIMONY OF JOHN CHARLES KARAKOS, ACCOMPANIED BY
COUNSEL, ESTHER STRUM FRANKEL**

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. KARAKOS. My name is John Charles Karakos. I live at 27 Waverly Terrace, Bloomfield, N. J., and my occupation is a cook.

Mr. ARENS. You are appearing today, Mr. Karakos, in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. KARAKOS. I am.

Mr. ARENS. You are represented by counsel?

Mr. KARAKOS. Yes, I am.

Mr. ARENS. Counsel, kindly identify yourself.

Miss FRANKEL. I am Esther Strum Frankel of 262 Main Street in Paterson, N. J.

Mr. ARENS. Mr. Karakos, where and when were you born?

Mr. KARAKOS. I was born in Lewiston, Maine, in the year 1911, April 24.

Mr. ARENS. Give us a word, please, about your education.

Mr. KARAKOS. My education, I finished grammar school and have some years in correspondence courses on architecture.

Mr. ARENS. Where did you complete your formal education?

Mr. KARAKOS. In Staunton, Va.

Mr. ARENS. Where are you employed?

Mr. KARAKOS. At the Snack Shop Restaurant.

Mr. ARENS. How long have you been so employed?

Mr. KARAKOS. I am self-employed since the war.

Mr. ARENS. What was your employment immediately prior to your present employment?

Mr. KARAKOS. I had a restaurant again.

Mr. ARENS. Where was that?

Mr. KARAKOS. In Kearny, N. J.

Mr. ARENS. How long did you run that restaurant?

Mr. KARAKOS. For 4 years, until I proudly joined the United States Army and served for 3½ years with honor.

Mr. ARENS. When did you join the United States Army?

Mr. KARAKOS. I beg your pardon?

Mr. ARENS. When did you join the United States Army?

Mr. KARAKOS. In the year 1942 in July.

Mr. ARENS. Did you have a commission?

Mr. KARAKOS. No, I hadn't. I was a sergeant.

Mr. ARENS. Over what period of time were you in the United States Army?

Mr. KARAKOS. Three and a half years.

Mr. ARENS. During the course of the period you served——

Mr. KARAKOS. Mr. Chairman, I object to having my picture taken. This is a court and I would like to have the court dignified according to the canon rules of ethics.

Mr. WILLIS. You are correct, and that should not have been done after you were sworn.

Mr. ARENS. During the course of your service in the United States Army were you at any time a member of the Communist Party?

Mr. KARAKOS. Mr. Chairman, are you seeking to involve me in a crime?

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness now be ordered and directed to answer the question.

Mr. KARAKOS. Mr. Chairman, are you trying to involve me in a crime?

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer the question.

Mr. WILLIS. You are directed to answer the question.

(The witness conferred with his counsel.)

Mr. KARAKOS. I would like to know the purpose of the question, if you please.

Mr. ARENS. Yes. I shall be very glad to explain to you the purpose of the question.

Pursuant to the provisions of Public Law 601 of the 79th Congress, the Committee on Un-American Activities is undertaking to perform two functions: Function No. 1 is to maintain a continuing surveillance over the administration and operation of the security legislation of this Government. That security legislation includes the Internal Security Act of 1950, the Communist Control Act of 1954, the Foreign Agents Registration Act, and a number of espionage and sabotage statutes.

Function No. 2 of the Committee on Un-American Activities is to assemble information for the purpose of devising legislation to undertake to cope with the Communist conspiracy, Communist Party activities in the United States.

There are pending before the Committee on Un-American Activities numerous proposals to strengthen internal security laws against this godless conspiracy which is sweeping the world and threatening the United States of America. Among those legislative proposals, before the committee are proposals which would undertake to deal with people who have penetrated as Communists into all segments of our society.

It is, sir, our information that you are now a member of the Communist Party, that you are a part of that conspiratorial apparatus, masquerading behind a facade of humanitarianism but designed to destroy the United States of America.

Mr. KARAKOS. Mr. Chairman, I take strong exception to those remarks. I am proud of serving in the United States Army for three and a half years in defense of our country against all enemies, and those remarks are reflecting very much against me and I take strong exception.

Mr. WILLIS. All right. You asked for an explanation of the purposes of the question.

Mr. ARENS. We want to know now whether or not you were a member of the Communist Party while you served under the flag of this Nation under whose protection we all have safeguards.

If you will answer that question for us truthfully, telling us whether or not you were a member of the Communist Party while you were in the United States Armed Services, we then expect to elicit from you further information respecting your activities as a Communist within the Armed Services of this Nation. We hope that information will help this committee in connection with other information which it has acquired in appraising legislative proposals now pending before the committee in order to ferret out Communists and other traitors from the Armed Services, as well as from the Government of the United States, from all segments of our society.

If you will then answer that question as to whether or not you were a Communist, a member of the Communist Party while you were in the Armed Services of this Nation, the committee will take that information and the collateral information which we expect to elicit from you and use it as a yardstick, as a basis for appraising the administration and operation of present security laws, as well as proposals pending before the committee for new legislation to plug loopholes to strengthen the security statutes of this Nation.

Sir, with that explanation I ask you the question as to whether or not you were a Communist while you were in the Armed Forces. I now solicit from you a response.

(The witness conferred with his counsel.)

Mr. KARAKOS. Is this the purpose of the committee, to insult witnesses before such evidence has been proven?

Mr. ARENS. Would you kindly answer the question.

Mr. WILLIS. Answer the question.

Mr. ARENS. Were you a member of the Communist Party?

Mr. KARAKOS. Were there any who testified—because you made certain remarks—that I had acted in any criminal way against my country, and which I am very proud of, except for some peoples and certain committees—I must say that if there is any evidence before this committee they have every right to issue an indictment and try me in a court of justice where I can be confronted by the so-called evidence.

Mr. ARENS. Will you kindly answer the question?

Mr. WILLIS. Answer the question.

Mr. ARENS. I explained to you the purpose. You wanted us to explain why.

Mr. WILLIS. Answer the question.

Mr. KARAKOS. I am asking the committee if you are trying to involve me in a crime.

Mr. ARENS. I respectfully suggest the record now reflect an order to the witness to answer the question.

Mr. WILLIS. You are now directed to answer the question and if you do not, then we will proceed to the next question. Let the record show what has happened thus far which will be considered by our committee for appropriate action.

Mr. KARAKOS. Because of my suspicion I will not answer.

Mr. WILLIS. I direct you to answer.

Mr. KARAKOS. I will answer the question in my way and because of the strong suspicions I have of this committee, I must say I have to invoke the privilege granted me under the United States Constitution, the first amendment. It is the first amendment to the United States Constitution under which Congress may make no law abridging freedom of speech and association, and by implication freedom of thought; the fourth amendment to the United States Constitution which holds inviolate my right to be secure in my person and by my person includes my ideas and my beliefs; the ninth amendment to the United States Constitution which retains all the rights which I have not given up, and which I do not give up to this committee; the tenth amendment to the United States Constitution which preserves all my rights not granted to the United States under the Constitution; and last, but not least, the fifth amendment to the United States Constitution on the grounds that it may tend to incriminate me.

Mr. ARENS. When you asked me a little while ago just why we wanted to know if you were a Communist when you were in the Armed Services did you really intend after we gave the explanation to give us an answer?

(The witness conferred with his counsel.)

Mr. WILLIS. Ask the next question.

Mr. ARENS. He is in consultation.

What was your first principal employment after you were discharged from the United States Navy?

Mr. KARAKOS. I never was in the Navy.

Mr. ARENS. The Army—excuse me.

Mr. KARAKOS. My first employment?

Mr. ARENS. Yes.

Mr. KARAKOS. As a waiter.

Mr. ARENS. And how long did that employment endure?

Mr. KARAKOS. One week.

Mr. ARENS. And your next employment?

Mr. KARAKOS. I went in business for myself.

Mr. ARENS. It is the information of this committee that shortly after the conclusion of World War II you assumed the chairmanship of the West Side Club of the Communist Party in Newark. We should like to give you an opportunity to affirm or deny that information.

Mr. KARAKOS. I feel very strongly, Mr. Chairman, that if I have done anything wrong, it is the right of the United States Government or any individual within it to indict me.

Mr. ARENS. Would you kindly affirm or deny?

Mr. WILLIS. Ask the question directly, and I will issue an order.

Mr. ARENS. Were you a chairman of the West Side Club of the Communist Party of Newark, N. J., shortly after the conclusion of World War II?

Mr. KARAKOS. Mr. Chairman, you are asking a question—

Mr. WILLIS. I now direct you to answer that question and thereafter we will proceed to the next question.

(The witness conferred with his counsel.)

Mr. KARAKOS. I have answered it, Mr. Chairman.

Mr. WILLIS. No; you have not answered the question.

Mr. KARAKOS. I have answered it.

Mr. WILLIS. Make it very clear. Ask it again.

Mr. KARAKOS. If I had acted in a criminal way you might very well indict me.

Mr. WILLIS. I direct you to answer the question.

The question was: Were you chairman of the West Side Club of the Communist Party in Newark shortly after your service in the United States Army?

Mr. KARAKOS. Mr. Chairman, you are strongly implying an act of a crime.

Mr. WILLIS. I am implying nothing. I am just asking a question.

Mr. KARAKOS. I have answered.

Mr. SCHERER. Under regular order I ask that we proceed to the next question.

Mr. KARAKOS. Nothing I have done——

Mr. WILLIS. Next question.

Mr. ARENS. The next question is: Have you ever used any name other than the name, John Karakos?

Mr. KARAKOS. My suspicions of this committee are because of past activities of this committee, and I must decline to answer the questions for the same reasons other witnesses before have given and for myself for the reasons I indicated, and the privileges granted me under the Constitution of the United States as I indicated earlier.

Mr. ARENS. Did you attend the Communist Party Essex County Convention in March of 1957?

(The witness conferred with his counsel.)

Mr. KARAKOS. I refuse to answer for the reasons given and rights granted me by the Constitution of the United States as I indicated earlier.

Mr. ARENS. What contributions have you made, if any, in the course of the last year to the Communist Party?

(The witness conferred with his counsel.)

Mr. KARAKOS. Same answer and same reason.

Mr. ARENS. Mr. Chairman, I would respectfully suggest that would conclude the staff interrogation of this witness.

Mr. WILLIS. The committee will stand in recess until 1:45.

(Whereupon, at 11:44 a. m., Thursday, September 4, 1958, the subcommittee recessed to reconvene at 1:45 p. m. the same day.)

(Subcommittee members present at the time of the recess: Representatives Willis and Scherer.)

AFTERNOON SESSION, THURSDAY, SEPTEMBER 4, 1958

(Subcommittee members present: Representatives Willis and Scherer.)

Mr. WILLIS. The subcommittee will come to order.

Call the next witness, Counsel.

Mr. ARENS. Joseph Alfone, kindly come forward.

Mr. WILLIS. Please raise your right hand. Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. ALFONE. I do.

Mr. WILLIS. The committee is very grateful to the Air Force recruiting office in Newark for making this public-address system available to us. I am grateful to you, boys.

**TESTIMONY OF JOSEPH ANTHONY ALFONE, JR., ACCOMPANIED BY
COUNSEL, LEONARD B. BOUDIN**

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. ALFONE. My name is Joseph Alfone. I reside at 7 Beechwood Drive, Succasunna, N. J. What was the other question?

Mr. ARENS. Your occupation, please?

Mr. ALFONE. I am employed as a quality control analyst.

Mr. ARENS. Is your name Alfone, or Alfone, Jr.?

Mr. ALFONE. My full name is Joseph Anthony Alfone, Jr.

Mr. ARENS. You are appearing here today, Mr. Alfone, in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mr. WILLIS. Is that correct?

Mr. ALFONE. That is right, sir.

Mr. ARENS. Are you represented by counsel?

Mr. ALFONE. I am.

Mr. ARENS. Counsel, kindly identify yourself on this record.

Mr. BOUDIN. Leonard B. Boudin, 25 Broad Street, New York City. May I inquire whether the microphone will help you, because I have a feeling it will be in the way of this witness who can talk loudly enough.

Mr. ARENS. It is immaterial to me. We have the microphone here because the acoustics seemed rather poor, and this morning we had difficulty hearing some of the witnesses. We thought it might perhaps facilitate the hearing.

Mr. BOUDIN. We will try without it, if we may, and go back to it if it is helpful.

Mr. SCHERER. Mr. Chairman, we tried to hear all morning. It was difficult to get.

Let us use it, Counsel.

Mr. WILLIS. When the air-conditioning system is on, we can't hear at all. Try it and see.

Mr. BOUDIN. All right.

Mr. ARENS. Where and when were you born?

Mr. ALFONE. I was born July 27, 1926, Newark, N. J.

Mr. ARENS. Give us a word, please, about your education.

Mr. ALFONE. I attended grammar school in Newark, high school in Newark, and I now attend Fairleigh Dickinson University evenings.

Mr. ARENS. Did you give us the date of your birth?

Mr. ALFONE. July 27, 1926.

Mr. ARENS. How long have you been in your present employment?

Mr. ALFONE. Approximately two and a half years.

Mr. ARENS. The name of the place, please?

Mr. ALFONE. Rowe Manufacturing Corporation.

Mr. ARENS. In what capacity are you employed there?

Mr. ALFONE. I previously stated. I am a quality control analyst.

Mr. ARENS. Just a word about what you do.

Mr. ALFONE. What I do?

Mr. ARENS. Yes.

Mr. ALFONE. My function and my job is to analyze my company's product, strictly from a consumer standpoint, the quality of the merchandise which we make.

Mr. ARENS. How long have you lived at your present place of employment—at your present residence—excuse me.

Mr. ALFONE. You are excused. Approximately a year—let me see—a little over a year, a year and a half.

Mr. ARENS. Where did you live immediately prior to the place of your present residence?

Mr. ALFONE. I lived at 37 South 7th Street, in Newark.

Mr. ARENS. Newark?

Mr. ALFONE. In Newark.

Mr. ARENS. Where did you live prior to that time?

Mr. ALFONE. Prior to that time I lived in—the number escapes me—15th Avenue in Newark.

Mr. ARENS. Have you ever lived in Stephen Crane Village?

Mr. ALFONE. I have.

Mr. ARENS. When did you live in Stephen Crane Village?

Mr. ALFONE. Let's see. A year and a half—somewheres around five and a half or six years ago.

Mr. ARENS. How long did you live in Stephen Crane Village?

Mr. ALFONE. I think two or three years.

Mr. ARENS. What is Stephen Crane Village?

Mr. ALFONE. That is a housing development in the City of Newark, formerly initiated under a Federal housing program. I think it is now under the jurisdiction of the City of Newark.

Mr. ARENS. Did you have to sign, or was it a prerequisite for admission into Stephen Crane Village as a tenant that you sign a non-Communist affidavit of some kind?

Mr. ALFONE. Somewheres about that time under the Gwinn Amendment petitions or affidavits, whatever it was, had to be signed. I did not have to sign. I had moved by the time this thing had occurred.

Mr. ARENS. Are you now a member of the Communist Party?

Mr. ALFONE. I decline to answer your question on the following grounds: One, I feel the committee lacks jurisdiction. The question is impertinent. The committee's mandate is vague under the Watkins decision handed down by the United States Supreme Court. I further decline under my rights under the first amendment. And finally I decline to answer under the constitutional privilege of the fifth amendment.

Mr. ARENS. Do you honestly apprehend if you gave us a truthful answer while you are under oath as to whether or not you are now a member of the Communist Party you would be supplying information which might be used against you in a criminal proceeding?

Mr. ALFONE. Mr. Arens, I have answered your question.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness now be ordered and directed to answer that last question.

Mr. WILLIS. It is a test of your good faith in pleading or invoking the constitutional provision you referred to, and you are directed to answer that question.

Mr. ALFONE. My answer constitutes certain legal points. I would like my counsel to further clarify this question, Mr. Arens. I ask if he may.

Mr. WILLIS. Your counsel is here to advise you and not the committee. You may confer with him if you want to.

Mr. ALFONE. Mr. Chairman, I have given my answer. I give the same answer. In declining to answer I would like to read the following language of the Constitution:

No person shall be compelled in any criminal case to be a witness against himself nor be deprived of life, liberty or property.

That is my answer.

Mr. ARENS. Where were you living in 1949?

Mr. ALFONE. Oh——

(The witness conferred with his counsel.)

Mr. ALFONE. It is hard for me to remember, sir. Nine years ago, let's see my——

Mr. ARENS. Did you ever live at 21 Hartford Street in Newark?

Mr. ALFONE. Yes, I did. I lived in besides the places I mentioned 3 or 4 other places, that is why I didn't give you an exact location.

Mr. ARENS. Mr. Collins of this staff is going to display to you a photostatic reproduction of a nominating petition of the Communist Party, nominating two persons for State Assembly as Communists. This nominating petition bears the signature, among others, of Joseph Alfone, Jr., 21 Hartford Street, Newark, N. J.

Kindly look at this document as it is being displayed to you and tell this committee while you are under oath whether or not the signature on that document is a true and correct reproduction of the signature affixed by you to the nominating petition.

(A document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. ARENS. Would you kindly answer the question?

(The witness conferred with his counsel.)

Mr. ALFONE. I decline to answer that question for reasons previously given.

(Document marked "Alfone Exhibit No. 1" and retained in committee files.)

Mr. ARENS. Have you ever served in the United States Army?

Mr. ALFONE. United States Navy.

Mr. ARENS. Over what period of time did you serve in the Navy?

Mr. ALFONE. November 1944 to May 1946.

Mr. ARENS. Did you have a commisison?

Mr. ALFONE. No; I did not. I was a radar man, third class, upon leaving the service.

Mr. ARENS. Were you a member of the Communist Party during the period of your service in the United States Navy?

Mr. ALFONE. I decline to answer this question on the previous grounds given.

Mr. ARENS. During the course of your service in the United States Navy did you cause to be transmitted to any person not authorized to receive the same any confidential or restricted information?

(The witness conferred with his counsel.)

Mr. ALFONE. Definitely no.

Mr. ARENS. Did you confer with any person known by you to be a member of the Communist Party?

Mr. BOUDIN. Mr. Chairman, may I suggest the last question is really an improper one to ask?

Mr. ARENS. Counsel will be advised, as he knows from infinite experience with this committee, his sole and exclusive prerogative is to advise his client.

Mr. BOUDIN. I am making a request of the chairman. You understand my request, Chairman?

Mr. ARENS. Would you kindly answer the question as to whether or not, at any time since being served with the subpoena to appear before this committee, you conferred with any person respecting your appearance who was known by you to be a member of the Communist Party?

Mr. ALFONE. I decline to answer this question on the same previous grounds given.

Mr. ARENS. Do you know Martha Stone?

Mr. ALFONE. I decline to answer this question for the previous grounds given.

Mr. WILLIS. Did you, since the service of the subpoena upon you to appear at these hearings, confer with Lou Malinow and Manny Cantor?

Mr. ALFONE. I decline to answer this question on the previous ground given, the same type of question.

Mr. ARENS. Do you know Frank Chandler?

Mr. ALFONE. I decline to answer this question on the previous grounds given.

Mr. ARENS. Have you ever been a member of the Labor Youth League?

Mr. ALFONE. I decline to answer this question on the previous grounds given.

Mr. ARENS. Do you know a man by the name of Robert J. Dixon, Jr.?

Mr. ALFONE. I decline to answer this question on the grounds previously given.

Mr. ARENS. It is the information of this committee that you are, or were in the recent past, one of the leaders of the industrial section of the Communist Party in the Newark area. I should like to ask you a question now. Are you now, or have you in the recent past been, a leader of the Industrial Club of the Communist Party in the Newark area?

(The witness conferred with his counsel.)

Mr. ALFONE. I decline to answer this question on the previous grounds given.

Mr. ARENS. Mr. Witness, the Committee on Un-American Activities under an immunity statute is empowered to initiate proceedings granting immunity to witnesses who might otherwise be subject to criminal prosecution for testimony that they would give before this committee. It is the belief of this committee that you are one of a tight-knit group in the industrial operations of the Communist Party and that you presently have valuable, important information which you can supply to your Government via this committee respecting the operation of the Communist conspiracy in the Newark area.

If this committee should after its deliberations determine the public interest would best be served by causing proceedings to be initiated to grant you immunity from criminal prosecution for any testimony you might give before this committee respecting the operations of the Communist conspiracy in this area, and if those proceedings should be consummated, would you then fully and freely without reservation testify before this committee giving such information as you possess?

(The witness conferred with his counsel.)

Mr. BOUDIN. Mr. Arens, the witness would like to answer your question.

Mr. ALFONE. Mr. Arens, I have been advised by counsel that this committee does not have the jurisdiction to grant immunity; secondly, if immunity could be granted it would cover the fifth amendment only, and there are other aspects to this. Thirdly, I don't want to speculate at this time as to what I would do in the near future.

Mr. ARENS. Mr. Chairman, I respectfully suggest that would conclude the staff interrogation of this witness.

Mr. WILLIS. The witness will be excused.

Mr. BOUDIN. Mr. Chairman, now that the witness is excused, may I just note for the record my feeling about the committee's treatment of Judge Delany.

Mr. ARENS. You know your sole and exclusive prerogative is to advise your client.

Mr. WILLIS. You know your prerogative before this committee.

Mr. ARENS. Emanuel Cantor, please come forward.

Mr. WILLIS. Please raise your right hand.

Do you solemnly swear the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. CANTOR. I do.

TESTIMONY OF EMANUEL (MANUEL) CANTOR, ACCOMPANIED BY COUNSEL, MARY M. KAUFMAN

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. CANTOR. My name is Emanuel Cantor. I live at number 822 Hunterdon Street in Newark, N. J. I am a printer.

Mr. ARENS. You are appearing here today in response to a subpoena which was served upon you?

Mr. CANTOR. Yes, sir.

Mr. ARENS. By the House Committee on Un-American Activities?

Mr. CANTOR. Yes, sir.

Mr. ARENS. You are represented by counsel?

Mr. CANTOR. I am.

Mr. ARENS. Counsel, kindly identify yourself.

Miss KAUFMAN. Mary M. Kaufman, 201 West 85th Street, New York City.

Mr. ARENS. Where and when were you born?

Mr. CANTOR. In the City of Clifton, N. J., on September 23, in the year 1909.

Mr. ARENS. And a word about your education, please.

Mr. CANTOR. I have a grammar school, a high school, and a college education.

Mr. ARENS. Where are you employed?

Mr. CANTOR. I am employed in a printing establishment in New York.

Mr. ARENS. The name of it, please?

Mr. CANTOR. Edwards Press.

Mr. ARENS. In what capacity?

Mr. CANTOR. As an apprentice pressman.

Mr. ARENS. How long have you been employed there?

Mr. CANTOR. Roughly a year.

Mr. ARENS. What was your employment immediately preceding your present employment?

Mr. CANTOR. In this area, sir, I must decline to answer. I consider this an invasion of my rights. I consider that this committee is not properly authorized to conduct this type of inquiry, and I consider it an invasion of my privacy as it is guaranteed under the first amendment to the United States Constitution. And further, I rely on my privilege under the fifth amendment to the Constitution.

Mr. ARENS. What was your employment immediately preceding the employment which you cannot tell us about, or will not tell us about?

(The witness conferred with his counsel.)

Mr. CANTOR. I was engaged in a number of different part-time and full-time occupations, including part-time chauffeur. I was a salesman, shoe salesman, and I had employment in various capacities in the plumbing supply business.

Mr. ARENS. How long did this employment about which you cannot tell us endure?

(The witness conferred with his counsel.)

Mr. CANTOR. This question, like the other, I regard in an area in which I decline to answer and under the reasons that I cited.

Mr. ARENS. What was the employment you had immediately prior to the employment about which you cannot tell us, or will not tell us?

Mr. CANTOR. That position was a shipping and receiving clerk in a plumbing-supply establishment.

Mr. ARENS. When did that employment commence?

Mr. CANTOR. I am not positive as to exact dates.

Mr. ARENS. Your best recollection?

Mr. CANTOR. My best recollection is that it began in the later nineteen twenties, somewhere around 1928, 1929, if I recall.

Mr. ARENS. How long did it endure?

Mr. CANTOR. It endured——

(The witness conferred with his counsel.)

Mr. CANTOR. I believe that this is also the same area in which I have been declining, and therefore I will again decline.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer that question. The door has been opened by himself by telling the nature of his employment and telling us the sequence in which that employment appeared within the chronology of his life. I, therefore, Mr. Chairman, respectfully suggest that there has been a waiver and the witness be now ordered and directed to answer the question as to when this employment he can tell us about terminated.

Mr. WILLIS. Yes. You said that particular employment commenced about 1929, and you are now directed to answer about when it terminated.

(The witness conferred with his counsel.)

Mr. CANTOR. I must continue to decline to answer that question for the grounds I stated.

Mr. ARENS. Did the employment endure as long as 10 years?

Mr. CANTOR. I would answer on the same reasons.

Mr. ARENS. Did it endure more than 10 years?

Mr. CANTOR. Same answer.

Mr. ARENS. Did it endure less than 10 years?

Mr. CANTOR. Same answer.

Mr. ARENS. Is there any employment prior to 1929 about which you can tell us without giving information which might be used against you in a criminal proceeding?

Mr. CANTOR. I do not believe that I was employed gainfully prior to that as to my recollection.

Mr. ARENS. In how many different employments since 1929 have you been engaged which you can tell us about without giving information which might be used against you in a criminal proceeding?

Mr. CANTOR. Only one to my recollection which I have already cited.

Mr. ARENS. How many different employments since 1929 have you been engaged in concerning which you cannot tell this committee because you might be giving information which can be used against you in a criminal proceeding?

Mr. CANTOR. I would decline, sir. This is correctly in the area I already declined. I repeat same reasons.

Mr. ARENS. How long have you lived at your present address?

Mr. CANTOR. About a year and a half, sir.

Mr. ARENS. What was your address immediately preceding your present address?

Mr. CANTOR. This question also I regard in the same area and decline to answer for the reasons I cited.

Mr. ARENS. How long did you live at the address which you had immediately preceding your present address?

Mr. CANTOR. I again decline for the same reasons.

Mr. ARENS. Was your address immediately preceding your present address an address within the Newark area?

Mr. CANTOR. I decline to answer.

Mr. ARENS. Was it within the State of New Jersey?

Mr. CANTOR. Decline to answer.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness be ordered and directed to answer that question. His response is ludicrous. There are many patriotic citizens within New Jersey; and because a person is a resident of New Jersey cannot be a good basis for a valid, good-faith invocation of the fifth amendment. I, therefore, Mr. Chairman, respectfully suggest that the witness be ordered and directed to answer the question.

Mr. WILLIS. You are directed to answer the question.

Mr. CANTOR. I would find myself in agreement with counsel that residence in New Jersey certainly is not a reprehensible thing. I think this is a beautiful State and well worth living in. And I am proud of my residence in the State.

Nevertheless, the circumstances under which this inquiry is taking place, the lack of authority that the committee has as the Supreme Court has given testimony to, the way in which this is being conducted, the treatment of witnesses and spectators, and so forth, all lend an atmosphere under which what is normal becomes abnormal. And therefore, I cannot give you and will not depart from my practice on this question, and therefore I again decline to answer this and for the reasons I have cited.

Mr. ARENS. What was your first address that you presently recall in New Jersey—since reaching adulthood, if I may amend my question a little bit, please, sir?

(The witness conferred with his counsel.)

Mr. CANTOR. There are so many things on which the interpretation of the committee seems so different with normalcy. What do you regard as adulthood, sir?

Mr. SCHERER. I didn't get that.

Mr. CANTOR. I said I have to have more specific definition.

Mr. ARENS. I don't intend, Witness, to quibble with you. We are engaged in serious business.

Mr. CANTOR. Do you mean since the age of 21?

Mr. ARENS. Yes, sir.

Mr. CANTOR. All right. To the best of my recollection, or since adulthood, I resided in the City of Clifton, N. J.

Mr. ARENS. How long did you reside in Clifton, N. J.?

Mr. CANTOR. Well, I resided there a good deal of my life, sir, and perhaps around that date roughly the family moved a short distance to the City of Passaic, N. J.

Mr. ARENS. About what time of your life, what year are we in now?

Mr. CANTOR. I do not recall exactly, sir. I did not anticipate this type of inquiry as pertinent to the purpose of this committee at all and, therefore, obviously didn't familiarize myself with the exact dates of this type.

Mr. ARENS. I will be glad to explain the pertinency to you any time you want me to do so, if that would help you.

Mr. CANTOR. No. I am not asking you to do that, sir.

Mr. ARENS. How long did you live in Passaic, N. J., approximately?

Mr. CANTOR. It is difficult for me to calculate exactly, but I would say that the second address, that I lived there approximately 7 or 8 years.

Mr. ARENS. Up until about when, please, sir?

(The witness conferred with his counsel.)

Mr. CANTOR. I think this gets us into the area where I find it a practice to decline, and therefore I will for the reasons given.

Mr. ARENS. During any of this time, from 1929 until the time a year ago when you assumed your present job, did you collect any unemployment insurance from the United States Government?

(The witness conferred with his counsel.)

Mr. CANTOR. I will have to decline to answer this question for the reasons that I have cited.

Mr. ARENS. I put it to you as a fact, sir, and ask you to affirm or deny the fact, that in a considerable period of your life you, as an underground Communist organizer, were collecting unemployment funds from the United States Government while you were engaged in Communist Party underground organizational activity. If that is not true, now while you are under oath, deny it.

(The witness conferred with his counsel.)

Mr. CANTOR. I will decline to answer on the grounds cited.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact, that during a considerable portion of your time, up to and

including the very recent past, you have been a paid functionary of the Communist conspiracy in the United States. If that is not true, please deny it while you are under oath.

Mr. CANTOR. I decline to answer for the reasons cited.

Mr. ARENS. Have you ever lived in any State other than the State of New Jersey?

Mr. CANTOR. Decline to answer.

Mr. ARENS. Mr. Chairman, I respectfully suggest that the witness now be ordered and directed to answer that question.

Mr. WILLIS. I direct you to answer the question as to whether or not you have lived anywhere else except the State of New Jersey.

Mr. CANTOR. I decline to answer for the reasons cited.

Mr. ARENS. Did you ever live in New York State?

Mr. CANTOR. Same answer.

Mr. ARENS. Do you know a person by the name of Malinow?

Mr. CANTOR. Same answer, sir.

Mr. ARENS. You and Malinow lived together in New York City, did you not?

Mr. CANTOR. I decline, sir, to answer that question for the reasons I have already cited.

Mr. ARENS. Did you ever engage in agricultural activities of any kind?

(The witness conferred with his counsel.)

Mr. CANTOR. Will you be more specific on the question of agricultural activities, sir?

Mr. ARENS. Sir, don't you know what I mean when I say have you ever engaged in any agricultural activities? Have you ever been a farmer?

(The witness conferred with his counsel.)

Mr. CANTOR. No, sir. I have never been a farmer.

Mr. ARENS. Have you ever had supervision of the activities of any organization dealing with farmers?

Mr. CANTOR. Obviously, sir, this is the area in which I have been and will continue to decline to answer on the ground that I have cited, and it seems to me that we can save some time.

Mr. ARENS. Affirm or deny it while you are under oath, please, sir, and I put it to you as a fact that you have been in charge of the manipulation, or attempted manipulation, of certain farm groups at the behest of the Communist conspiracy in the United States.

Mr. CANTOR. Same answer.

Mr. ARENS. Have you ever held a plow in your hand, ever plowed in a field, ever engaged in that type of work, manual labor in the field?

Mr. CANTOR. Not in the field, no, sir. I engaged in manual labor, not in the field.

Mr. ARENS. Have you ever engaged in any kind of farm work where you would actually get dirt on your shoes and calluses on your hands, working on the farm?

(The witness conferred with his counsel.)

Mr. CANTOR. No, sir.

Mr. ARENS. What has been your experience in agricultural activities, in promoting farm activities?

Mr. CANTOR. Well, I am quite interested in plant life, sir, and I like flowers, and I like to raise them.

Mr. ARENS. Is that the extent of your interest in activities in the general area of agricultural work or is there a limit to what you can tell us about?

Mr. CANTOR. No. I have other interests in the question of agriculture, sir.

Mr. ARENS. Are you going to tell us all about your interest in agriculture, or are you going to stop some place?

Mr. CANTOR. I don't know, sir. You are so vague in some of these questions that I am not sure whether I will or not.

(The witness conferred with his counsel.)

Mr. CANTOR. But because there is a very vital area in agriculture that I have been concerned with, and I am and I think all of us should be——

Mr. ARENS. Tell us, in the pursuit of your interest in agriculture, have you been in charge of a farm section of any group?

Mr. CANTOR. See if you are interested in my interest in agriculture——

Mr. ARENS. I am interested in your participation as a hard-core member of the Communist conspiracy.

Mr. CANTOR. Precisely——

Mr. ARENS. Kindly tell this committee what has been the nature and activity of yourself in the farm area.

Miss KAUFMAN. The question you asked——

Mr. ARENS. Counsel, you have appeared before this committee numerous times, and you know your sole and exclusive prerogative is to advise your client.

Miss KAUFMAN. I will not sit by while my client is being browbeaten, Mr. Arens.

Mr. ARENS. Kindly tell this committee whether or not——

Mr. CANTOR. Do you want an answer to the previous question concerning my interest in agriculture?

Mr. ARENS. Go right ahead—we want your interest in agriculture.

Mr. CANTOR. Yes. I have observed over many years of study and was taught in our school system concerning the vital, the essential feature or the importance to our economy of agriculture, very, very basic in our country and in our own State, incidentally, as well. And as a good American citizen concerned with the problems of my country, I have for a long time been quite concerned at the plight of the farmer in our country and particularly with the family-sized farmer, who, I know, is being driven off the land in millions as result of the control of the financing of farmers by big insurance companies and big banks, and that this has had the cooperation of governmental agencies, particularly the present administration and the Secretary of Agriculture, and I have seen this developed. I know that the depression or the recession, at least, which we are now facing in our country, has part of its origin and first shows its head in the agricultural sphere; and therefore it seems to me that all Americans should have a great concern with the plight of the farmers and labor in particular should have a concern.

Mr. ARENS. Tell us what you have done in pursuit of your concern "with the plight of the farmers."

Mr. CANTOR. Well——

(The witness conferred with his counsel.)

Mr. CANTOR. Because it is quite clear that this question now will get us into an area in——

Mr. WILLIS. Get you into hot water, in other words?

Mr. CANTOR. No. It will become an invasion, sir, Mr. Chairman, of my right of freedom of thought and freedom of expression and freedom of association. Clearly the counsel has made that very clear by his line of questioning, and therefore since he is no longer interested in getting my opinions on agriculture and even a program I have some thoughts about, which I have, I can no longer answer his questions and therefore must invoke my privilege, as I have previously, under the first and fifth amendments.

Mr. SCHERER. Just a minute. Mr. Chairman, I ask that you direct the witness to answer counsel's last question. He obviously has waived any right he may have to refuse to answer by making this long speech which follows the Communist line insofar as the farm program is concerned. I ask you to direct the witness to answer the outstanding question of counsel.

Mr. WILLIS. What was the outstanding question?

Mr. SCHERER. What he has done about these conditions he finds wrong.

Mr. WILLIS. Pursuant to his interest in the farm program?

Mr. SCHERER. That is right.

Mr. WILLIS. That was my recollection. And I think my colleague is correct.

You have opened the door and volunteered your side of it. And I therefore direct you to answer the question.

Mr. CANTOR. With all due respect to the Congressman and his opinion as to what I have waived, my counsel, upon whom I have relied frankly much more than on the Congressman's estimate, informs me that I have not waived and therefore I will again invoke my privileges under the amendments of the Constitution as I have.

Mr. SCHERER. Did you ever work in the Department of Agriculture?

Mr. CANTOR. No, sir. I have not.

Mr. SCHERER. Do you know Lee Pressman?

Mr. CANTOR. No, sir.

Mr. SCHERER. John Abt?

Mr. CANTOR. Who?

Mr. SCHERER. John Abt?

Mr. CANTOR. No, I don't know him.

Mr. SCHERER. Kramer?

Mr. CANTOR. No. Who are these gentlemen, by the way?

Mr. SCHERER. They are all Communists who infiltrated the Department of Agriculture and followed the same line that you have been talking about here.

Mr. CANTOR. No. I don't know them, sir.

Mr. ARENS. Now would you kindly tell the committee all you have done in the United States in pursuit of your interest in the uplift of the farmers?

Mr. CANTOR. I have to reassert at this time, sir, that this type of a question is an invasion clearly of my privacy and it is an invasion of my rights under the first amendment, and I rely on my privilege on the fifth amendment.

Mr. SCHERER. Did you have any contact with the National Farmers Union?

Mr. CANTOR. This question, too, is in the same area, and therefore I would decline to answer for the same reason.

Mr. SCHERER. How many members of the Farmers Union do you know who are also members of the Communist Party—leaders in the Farmers Union today who are members of the Communist Party?

Mr. CANTOR. Obviously, Mr. Congressman, these questions continue in the same area I have clearly indicated what my answer will be.

Mr. SCHERER. They are in the same area——

Mr. CANTOR. I clearly indicated that I will not be drawn into any violation or be drawn away from a defense of a constitutional principles which I regard as a responsibility as a citizen and which I think are being invaded here, and therefore I will not take part in it.

Mr. SCHERER. Is it because of those reasons or is it because you fear your answer might incriminate you that you are refusing to answer these questions?

Mr. CANTOR. I am answering for the reasons I cited.

Mr. SCHERER. Is it for the reasons you just stated now, or is it for the reason that you fear that the answer to these questions might incriminate you that you are refusing to answer?

Mr. CANTOR. Must I explain to you, sir, in regard to the fifth amendment, is that the question you ask?

Mr. SCHERER. I understand the fifth amendment.

Mr. CANTOR. You understand it?

Mr. SCHERER. I understand how it has been abused by men like you.

Mr. CANTOR. The fact is that the fifth amendment stipulates that I cannot be compelled to be a witness against myself. It is on that feature of the amendment that I rely.

Mr. SCHERER. All right.

Mr. ARENS. Have you ever used any name other than the name Emanuel Cantor?

Mr. CANTOR. I give you the same answer, sir, as previously.

Mr. ARENS. I would like to display to you certain documents. I have, sir, a photostatic copy of the Communist Daily Worker of New York, Monday, September 16, 1940, listing the names and photographs of a number of persons who are candidates for public office, including Manuel Cantor—Communist Party candidates in New Jersey. Kindly look at this article which I shall now display to you, Mr. Cantor, and tell this committee whether or not the information contained therein is to your certain knowledge true and correct, and whether or not this is a true and correct reproduction of your physical features appearing in this document.

(A document was handed to the witness.)

(The witness conferred with his counsel.)

Mr. ARENS. Would you kindly answer the question?

Mr. CANTOR. If proof were needed, sir, of what I have been contending, of my presence here, of the invasion of the traditional rights, this example of the invasion of the area of ballot and balloting is certainly clear cut and it underscores, sir, and corroborates the rectitude of the position I take here, and therefore I will repeat my declination to respond to this type and line of inquiry for the same grounds.

I know that your committee has not been authorized to conduct this kind of inquiry, that such practice has been condemned by the Supreme Court in recent cases, that this is clearly an invasion not only of my

own rights but of other citizens, and therefore I will decline to answer this question and to desist from my defense of these principles by invoking again my first and fifth amendment privileges.

(Document marked "Cantor Exhibit No. 1," and retained in committee files.)

Mr. ARENS. I should like to display to you a copy of another article appearing in the Communist Daily Worker, New York, November 13, 1942, headed "Trenton Communist to Speak on Radio Nov. 15." "What can we learn from our Soviet Ally?" will be the subject of a 15-minute broadcast by Manuel Cantor, secretary of the Communist Party of Mercer County, New Jersey, over Station WTTM" and so forth "in commemoration of Nov. 7, the 25th Anniversary of the Soviet Revolution."

Kindly look at this article and tell us whether or not to your certain knowledge the information contained therein is true and correct.

(The witness conferred with his counsel.)

Mr. CANTOR. I must decline to respond and for the same reasons.

(Document marked "Cantor Exhibit No. 2," and retained in committee files.)

Mr. ARENS. Did you in 1948 make \$1,000 contribution to the Communist Party for the purpose of defending the 11 Communist traitors who were tried in Foley Square?

(The witness conferred with his counsel.)

Mr. CANTOR. I will decline to answer this question.

Mr. ARENS. I lay before you a photostatic reproduction of the Communist Daily Worker of February 23, 1948, in which an article appears listing a number of persons who were pledging, making contributions specifically from the New Jersey area in very sizable amounts and in considerable numbers for the defense of the Communists, including, according to this list, one Manuel Cantor, for Mercer County, \$1,000.

Kindly look at that article and tell us whether or not to your certain recollection the information contained therein is true and correct.

Mr. CANTOR. I decline to answer on the same reasons.

(Document marked "Cantor Exhibit No. 3," and retained in committee files.)

Mr. ARENS. Do you know a man by the name of Nusser?

Mr. CANTOR. I think at this point, sir, it might be wise for me to make clear to you that I will not be in any form pressed into informing on any individual, and therefore any questions that will be directed to this area for identification of persons I will certainly decline to answer and feel I am in a very honorable tradition because the informer, sir, as you know, is a most hateful individual in every religion, in every country, and in every organization.

Mr. ARENS. If you knew a person who was presently engaged in smuggling narcotics to destroy the moral fiber of this Nation and you were being interrogated by a congressional committee, would you tell that congressional committee about that person whom you knew was a smuggler of narcotics?

(The witness conferred with his counsel.)

Mr. CANTOR. I don't know any such person.

Mr. ARENS. If you did, would you tell this committee?

(The witness conferred with his counsel.)

Mr. WILLIS. Proceed with the next question, Mr. Counsel.

Mr. CANTOR. The chairman suggests you proceed. I think that is wise, too.

Mr. ARENS. The purpose of the question is to elicit your good faith on this record in undertaking to cast an aura of respectability around yourself for not replying to a question respecting a person who has been identified as a hard-core member of the Communist conspiracy.

Mr. WILLIS. I understood the questions. He stalled on it. Just proceed.

Mr. ARENS. I lay before you a photostatic reproduction of an article in the Communist Daily Worker of March 16, 1956. According to the article, Manuel Cantor is the campaign manager for Charles Nusser, New Jersey Communist Party leader and People's Rights' candidate, whose name on the ballot was being banned by the authorities in New Jersey. Kindly look at this article and tell this committee while you are under oath whether or not the reference to yourself as campaign manager of Charles Nusser, New Jersey Communist Party leader, represents the truth and the fact.

Mr. CANTOR. I have been trying, sir, to retain my composure, but as the questions continue it is very clear that I have to establish more clearly the basis on which I decline to answer this line of questioning. They are so clearly an invasion of traditional American rights that have been guaranteed to our people since the founding of our country. It was in the schools that I listed here that I learned how inviolate these principles must be kept and the sacrifice that went on on the part of our Founding Fathers of a man like Jefferson, who was maligned and called a conspirator and agent of foreign government because he asserted these principles in this country.

Mr. SCHERER. And which you Communists are going to destroy.

Mr. CANTOR. Let me give my answer to this question.

Mr. SCHERER. I understand. I have heard this for 6 years.

Mr. CANTOR. I know, and you haven't heard me, sir, and you are asking me the questions before this committee hearing.

Mr. SCHERER. The same line.

Mr. CANTOR. And, therefore, should be giving me the respect of hearing me out. I know, for example, the abolitionist movement in our country was called a conspiracy and the members of this group who organized to abolish slavery in our country were prosecuted and thrown in jail and some of them even lost their lives because they fought against this evil institution. And I know that in our country the trade-union movement when it was first organized met the resistance even of the Government, and the entrenched interests of the time were able to invoke the Government's assistance to label this a conspiracy as well and leaders of the trade-union movement were thrown into jail.

Mr. WILLIS. That is enough. Next question.

Mr. CANTOR. Don't you want to hear my reasons for invoking the privilege?

Mr. WILLIS. I don't want a speech. Any questions?

Mr. ARENS. The next question, if you please, sir, is this: I have before me a reproduction of the Communist Daily Worker of Friday, May 10, 1940. An article alludes to a petition drive. According to the article petitions will be filed for Manuel Cantor, described by

this Daily Worker article as a Communist Party organizer of Mercer County, who is running for governor on the Communist Party ticket.

Kindly look at this article I now display to you and tell this committee while you are under oath whether the facts represented in it are true and correct to your certain knowledge.

Mr. CANTOR. Again and again, sir, you are presenting countless evidence of the invasion of my own and the rights of many other citizens, and, therefore, I cannot participate in such a line of inquiry, and I will stand firmly in defense of the constitutional liberties which are involved in this type of inquiry and will refuse to depart from that, and I will invoke again my privileges under the first and fifth amendments.

(Document marked "Cantor Exhibit No. 4," and retained in committee files.)

Mr. ARENS. Did you ever serve in the Armed Forces of the United States?

(The witness conferred with his counsel.)

Mr. CANTOR. Yes, sir.

Mr. ARENS. Over what period of time?

Mr. CANTOR. Roughly 1943-44, to the best of my recollection.

Mr. ARENS. Did you have a commission?

Mr. CANTOR. No, sir.

Mr. ARENS. Where did you serve?

Mr. CANTOR. Within the confines of the country.

Mr. ARENS. Were you a member of the Communist Party during the time of your service in the Armed Forces?

(The witness conferred with his counsel.)

Mr. CANTOR. Again, this question gets into the same area which has to do with my beliefs and my opinions, my associations. It is beyond the authority of the committee as given to it by Congress and therefore I must invoke my defense and my privileges under the first and fifth amendments.

Mr. ARENS. Have you used your status as a veteran of the United States military for the purpose of promoting Communist enterprises in the United States?

(The witness conferred with his counsel.)

Mr. CANTOR. I decline to answer this for the reasons—

Mr. ARENS. I lay before you a Thermofax reproduction of an ad appearing in the Daily Worker, May 22, 1950:

We appeal to All Veterans of World War II. We speak for the 15,000 Communists, veterans of World War II * * *. All Funds To Be Forwarded To: Vets' Fighting Fund for Freedom of Eugene Dennis.

Listed among the signers of this appeal to veterans on behalf of Eugene Dennis is one Manny Cantor.

Kindly look at that article and tell this committee while you are under oath whether or not you used your status as a veteran of the World War for the purpose of promoting Communist causes and enterprises and whether or not that is a true and correct representation of the enterprise in which you participated.

Mr. CANTOR. This continues the same line of inquiry so I will invoke the same answer.

(Document marked "Cantor Exhibit No. 5," and retained in committee files.)

Mr. SCHERER. Witness, do you know a Gmezrik?

(The witness conferred with his counsel.)

Mr. SCHERER. The question was, do you know Mr. Gmezrik?

Mr. CANTOR. Are you prepared for an answer? To the best of my recollection, sir, I don't know such a name.

Mr. SCHERER. Do you know James G. Patton, president of the National Farmers Union?

(The witness conferred with his counsel.)

Mr. CANTOR. I know the name, but I don't know the man.

Mr. SCHERER. I again ask you, have you had any dealings with the National Farmers Union?

(The witness conferred with his counsel.)

Mr. CANTOR. I am sorry, sir. I didn't hear that question.

Mr. SCHERER. Have you had any connection whatsoever with the Farmers Union?

Mr. CANTOR. I believe you asked me this question earlier, sir.

Mr. SCHERER. I did, sir.

Mr. CANTOR. And I gave you an answer then and I repeat the same answer.

Mr. WILLIS. And was that answer "No"?

Mr. SCHERER. He took the fifth amendment.

Mr. WILLIS. Did you invoke the privilege?

Mr. CANTOR. I took not only the fifth amendment, but I invoked a number of privileges which are on the record.

Mr. ARENS. Mr. Chairman, may I respectfully suggest that will conclude the staff interrogation of this witness and respectfully ask if we could have a recess?

Mr. SCHERER. Just a second.

The fact is, Witness, and I put it to you as a fact, and ask you to affirm or deny it, that for a number of years you were in the Communist underground in charge of the farmer section of that party. Isn't that a fact?

Mr. CANTOR. I believe I have already answered this question, too, sir, in a previous answer, and I will answer similarly now. I will decline to answer that question for the reasons given.

Mr. SCHERER. Your chief duty as such a Communist functionary was to see that the Farmers Union was infiltrated as far as possible with members of the Communist Party; is that not so?

Mr. CANTOR. You are making assertions, sir.

Mr. SCHERER. I am making an assertion and is that assertion incorrect?

Mr. CANTOR. I will not cooperate with you in this type of assertion, and therefore I will not answer your question. I will decline on the grounds that I have given.

Mr. SCHERER. You don't deny what I said is true; do you?

(The witness conferred with his counsel.)

Mr. CANTOR. I have given my answer.

Mr. SCHERER. I ask you to direct the witness to answer whether he denies—

Mr. WILLIS. I think what you mean is a declination.

Mr. CANTOR. Yes.

Mr. ARENS. I have just one more question.

Mr. SCHERER. You go ahead with your question. I still have one more question, if I find my memorandum.

Mr. ARENS. Do you not have an occupation in addition to your occupation as a printer?

(The witness conferred with his counsel.)

Mr. CANTOR. You see, sir, your question is rather vague. The occupation—people are occupied with all kinds of activities. I observed in these hearings that this committee regards many legitimate things as illegitimate. For example, earlier today I heard reading certain books was regarded as reprehensible, signing petitions, things of the sort here.

Mr. ARENS. Are you now one of the leaders of the Communist conspiracy in the Newark area?

Mr. CANTOR. See, now we have the question you really wanted to ask, and therefore I will decline to answer, of course.

Mr. ARENS. I put it to you as a fact, sir, and ask you to affirm or deny the fact, that you are presently the liaison man between the National Committee of the Communist Party and the Communist operation in the Newark area. If that is not true, deny it while you are under oath.

Mr. CANTOR. Obviously I will decline to answer for the reasons given.

Mr. SCHERER. Did you know Hal Ware in his lifetime, Witness—Hal Ware?

(The witness conferred with his counsel.)

Mr. CANTOR. No, I did not.

Mr. SCHERER. I have no further questions.

Mr. WILLIS. The witness is excused.

Miss KAUFMAN. If the chairman please, I have a request to make. May I be accorded—

Mr. WILLIS. Will you ask our counsel? If it is a legal question confer with the counsel.

Miss KAUFMAN. A simple courtesy. Surely this committee is not without the ordinary courtesies of everyday life. I understand full well the limitation of counsel before the committee. I am asking for a courtesy to make known a request. Surely you have not forgotten, gentlemen, the courtesy a male accords a woman. I am asking for courtesy to make a request.

Mr. ARENS. May we have a recess?

Mr. WILLIS. The subcommittee will stand in recess.

(A brief recess was taken.)

(Subcommittee members present: Representatives Willis and Scherer.)

(Subcommittee members present at the time of the reconvening of the subcommittee: Representatives Willis and Scherer.)

Mr. WILLIS. The committee will come to order, and counsel proceed with the next witness.

Mr. ARENS. If you please, Mr. Chairman, the next witness will be Mr. John F. Norman.

Please come forward.

Mr. WILLIS. Please raise your right hand.

Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth so help you God?

Mr. NORMAN. I do.

**TESTIMONY OF JOHN F. NORMAN, ACCOMPANIED BY COUNSEL,
THEODORE METH**

Mr. ARENS. Kindly identify yourself by name, residence, and occupation.

Mr. NORMAN. My name is John F. Norman. I live in Maplewood, N. J. I am a printer by occupation.

Mr. WILLIS. A what?

Mr. NORMAN. I am a printer by occupation.

Mr. ARENS. You are appearing today in response to a subpoena served upon you by the House Committee on Un-American Activities?

Mr. NORMAN. Apparently I am.

Mr. ARENS. You are represented by counsel?

Mr. NORMAN. Yes, indeed.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. METH. Theodore Meth of Newark.

Mr. ARENS. Mr. Norman, when and where were you born?

Mr. NORMAN. I was born in New York City, 1913.

Mr. ARENS. Give us a word, please, about your education.

Mr. NORMAN. I attended grammar school in New York. I graduated from high school in New York.

Mr. ARENS. Did that complete your formal education?

Mr. NORMAN. I attended college for a couple of years, but did not graduate.

Mr. ARENS. Where did you attend college?

Mr. NORMAN. In New York City.

Mr. ARENS. What college?

Mr. NORMAN. College of the City of New York.

Mr. ARENS. When did you complete the training you received at the College of the City of New York?

Mr. NORMAN. 1934, sir.

Mr. ARENS. What was your first principal occupation after you concluded your education at City College?

Mr. NORMAN. Those were the depression years. I worked as a merchant seaman. I had a job in a factory in Vermont with NRA wages of \$13 a week. I saw an ad in the New York Times for a reporter on a newspaper in New Jersey. I answered that and got the job and did all right with it. Got a raise.

Mr. ARENS. Would you hesitate just a moment there, please sir?

Mr. NORMAN. Yes.

Mr. ARENS. When was it you saw this ad for a newspaper reporter?

Mr. NORMAN. In 1934.

Mr. ARENS. And on what paper was that?

Mr. NORMAN. In New Brunswick, the New Brunswick Daily Home News.

Mr. ARENS. How long did you hold that job with the New Brunswick News?

Mr. NORMAN. I would say about 6 months.

Mr. ARENS. What occasioned the disassociation of yourself from that newspaper?

Mr. NORMAN. It was interesting. It was a very educational experience for me, sir. I was covering a strike at a clothing factory not far from New Brunswick and I saw hired strikebreakers heave bricks through the window of the factory at which the strike had taken place, and I wrote that in my story and it didn't appear and I was mad. I thought it should appear. It seemed to me an incident of the employer's use of violence against labor unions, of which there was a good deal of talk at the time through other congressional investigating committees of a different era, interested, I should say, in different things, and it struck me as a pretty prime example as an antilabor use of violence and I felt it should go in a news story. It didn't appear. Shortly after that I was terminated at that paper.

Mr. ARENS. When did your next employment begin?

Mr. NORMAN. I was unemployed for a while and then I worked on a farm. I worked on several farms in and around New Jersey and Morrisville, Pa. I don't know if you are aware of it, but there were at that time big corporation farms, Heinz and Stokeleys, that hired thousands of pea pickers in the season. Wages were 20 cents an hour for men, 15 cents an hour for women, and 10 cents an hour for children—I mean younger than 16 and 13. I mean kids of 7 and 8.

Before I got there—as a matter of fact before I went to work on that farm—there had been a case—it is a very ugly thing—it was a violation of an 8- or 9-year-old girl.

Mr. ARENS. Will you just tell us where you were employed, please, sir.

Mr. NORMAN. I did, sir. And I helped organize the farmworkers.

Mr. ARENS. Organize the farmworkers. What year was that?

Mr. NORMAN. 1935. I worked for 20 cents an hour myself.

Mr. SCHERER. We have one thing in common. This member worked for 18 cents an hour at one time.

Mr. NORMAN. That is one thing. Congressman, I hope we find more.

Mr. ARENS. What was the name of the group you organized?

Mr. NORMAN. The American Federation of Labor.

Mr. ARENS. That was a local of the AFL?

Mr. NORMAN. Local 1996 of the American Federation of Labor.

Mr. ARENS. What was your next principal employment?

Mr. NORMAN. Yes, sir, I got a job. Yes, I remember. There was a strike at the two main papers of Paterson, the Paterson Evening News and the Paterson Morning Call, and hired strikebreakers brought in by the American Newspaper Publishers Association had taken the job of, I think, 100 odd members of the Typographical Union in Paterson. They established their own newspaper. It was a splendid thing, a weekly called the Paterson Press.

Mr. ARENS. The Paterson Press—that is where you were employed next?

Mr. NORMAN. That is right, starting with the strike.

Mr. ARENS. When did you begin with Paterson Press?

Mr. NORMAN. Late in 1935, I think.

Mr. ARENS. In what capacity were you employed at the Paterson Press?

Mr. NORMAN. As a reporter.

Mr. ARENS. How long did that employment last?

Mr. NORMAN. About 2 years.

Mr. ARENS. Was the Paterson Press a newspaper?

Mr. NORMAN. It was most proudly a newspaper, sir. It serviced the whole Passaic Valley area during the period decent people would not buy the Paterson Evening News because it was a scab paper at the time.

Mr. ARENS. You began in 1935 and your employment there terminated about 1937, is that correct?

Mr. NORMAN. About.

Mr. ARENS. Your next employment please.

Mr. NORMAN. After that I worked for the Federal Writers' Project. I helped to write a number of the tours in the New Jersey guide, some of which are in the public library, and I think they were pretty good.

Mr. ARENS. How long did that last?

Mr. NORMAN. Oh, not long, about 4 or 5 months.

Mr. ARENS. And your next employment?

Mr. NORMAN. I then began as organizer of the Textile Workers Organizing Committee of the CIO, and I was subregional director for South Jersey.

Mr. ARENS. Did you by any chance know Armando Penha about that time?

Mr. NORMAN. Did I know whom?

Mr. ARENS. A man by the name of Armando Penha, who was active in textile work matters about that time.

Mr. NORMAN. Let me say that the name is not familiar to me.

Let me say in general, sir, it is not my intention to identify persons. I hold a mighty low opinion of the informants. That name is not familiar. Let me say in general I decline to answer anything as to names of individuals. I cannot think of anything more reprehensible than an informer.

Mr. SCHERER. Do you apply that charge to a man like Herbert Philbrick who served the Government of the United States at great loss to himself and his family?

Mr. NORMAN. Congressman, I don't know what your opinion of Herbert Philbrick is. I know what my opinion of Matusow and others who have been proven to be liars is. I choose not to pick and choose among this breed. I think that any use of paid informers by a committee is a matter for the members of that committee to settle between themselves and their conscience. I am very glad that I don't have the job.

Mr. SCHERER. Do you apply that smear to all men who have served in the FBI as undercover agents?

Mr. NORMAN. I did not smear Matusow. I accurately characterized him as a liar. He is.

Mr. SCHERER. I didn't ask you about Matusow. I said do you apply that smear to all men who have served as undercover agents for the FBI in the interest of preserving the security of this Nation?

Mr. NORMAN. I think any man who attempts to answer a blanket question like that would be very foolish and I decline to answer it.

Mr. SCHERER. You applied it to all informers.

Mr. NORMAN. Congressman, is this a matter of my opinion you are inquiring into?

Mr. SCHERER. I just wanted you to explain your testimony.

Mr. NORMAN. Are you inquiring into my opinion, sir?

Mr. SCHERER. I asked you to explain your testimony.

Mr. NORMAN. I think it will stand by itself.

Mr. ARENS. How long did you serve as a textile worker, recruiting, with the CIO?

Mr. NORMAN. I was an organizer of Textile Workers Organizing Committee of the CIO.

Mr. ARENS. How long did that employment last?

Mr. NORMAN. A couple of years.

Mr. ARENS. Was that exclusively within the New Jersey area?

Mr. NORMAN. That is right.

Mr. ARENS. All right, sir. That brings us to—

Mr. NORMAN. Except—excuse me—for NLRB cases that I handled and negotiations that I handled that carried me into Philadelphia, Pa.

Mr. ARENS. And you were employed by a local of the CIO, is that correct?

Mr. NORMAN. I was employed by the National Textile Workers Organizing Committee of the CIO.

Mr. ARENS. That brings us to about 1939; does it not?

Mr. NORMAN. That is right, sir.

Mr. ARENS. Kindly tell us now your next employment.

Mr. NORMAN. Next I worked in a number of factories, jobs. I don't know if I can remember them all.

Mr. ARENS. Just simple employment.

Mr. NORMAN. Well, Ocean City Manufacturing Co., Philco Manufacturing Co., Baldwin Locomotive, I worked at the New York Shipbuilding Corp.

Mr. ARENS. That brings us to about when?

Mr. NORMAN. Well, my employment at the New York Shipbuilding Corp. started in 1941. I believe it terminated in 1945.

Are you interested in knowing why that terminated, Congressman? I will tell it to you if you are.

Mr. ARENS. Not at the moment, thank you.

Mr. NORMAN. I see.

Mr. ARENS. Would you kindly tell us now, beginning about 1945, what was your principal employment?

Mr. NORMAN. I had also worked, incidentally, as a bread-truck driver.

Mr. ARENS. All right, sir.

Mr. NORMAN. Yes; I got a job after I had been fired from the New York Shipbuilding Corp., and I was fired, for reasons that I will be very glad to tell this committee. After that I got a job with an iron-works in Camden, N. J., as a salesman estimator on overhead doors.

Mr. ARENS. How long did that last?

Mr. NORMAN. Excuse me. I left something out. I was a radio commentator on Station WCAU for a brief period.

Mr. ARENS. What year was that, about 1945?

Mr. NORMAN. 1945; that is right.

Mr. SCHERER. Were you fired from that?

Mr. ARENS. Where is WCAU?

Mr. NORMAN. I think it is the biggest or one of the two biggest stations in Philadelphia. I believe it is a CBS outfit. I am not sure.

Mr. SCHERER. Were you fired from that?

Mr. NORMAN. Yes, indeed. The sponsor was Sinclair Oil. The oil strike started. My policy was when I had 22 lines to give, to give 11 lines to the company and 11 lines to the union. That wasn't liked.

Mr. ARENS. Kindly tell us your next employment.

Mr. NORMAN. Yes. I got a job, I said, with an ironworks in Camden as a salesman estimator on overhead doors.

Mr. ARENS. How long did that last, please?

Mr. NORMAN. Until about 1947. Would you care to know how I was disassociated from that job?

Mr. ARENS. No; I am not concerned about that.

Mr. NORMAN. I will tell you about that. While I was a truck driver—

Mr. ARENS. Tell us your next employment.

Mr. NORMAN. The man who got me fired landed up in jail. I want you to know that. He was a racketeer.

Mr. ARENS. Kindly tell us your next employment. We are into 1947, I believe.

Mr. NORMAN. I see.

After I had been forced out of my employment against my employer's wishes by Jack O'Neal of the Teamsters Union, who I had exposed as a bread-truck driver as a gangster and racketeer who had me fired from my job, although I was not under his jurisdiction, as a salesman, who later wound up in jail and perhaps died there. I don't know. But after I had been fired for that reason I was unemployed for a while, naturally, and got a job selling air conditioners. I have a family to support.

Mr. ARENS. How long did that job last?

Mr. NORMAN. Not very long. I don't know exactly.

Mr. ARENS. Was that in the New Jersey area?

Mr. NORMAN. No; that was in Philadelphia.

Mr. ARENS. And your next job, please?

Mr. NORMAN. Excuse me, sir, while I confer with my counsel.

(The witness conferred with his counsel.)

Mr. ARENS. Would you excuse me just a moment before you get to the next job? I want to get the date on which the last job expired before you start on something else here. That was when?

Mr. NORMAN. 1947.

Mr. ARENS. In 1947?

Mr. NORMAN. Yes.

Mr. ARENS. And you were where?

Mr. NORMAN. You still haven't asked me how I was dismissed in New York. I would like to tell you.

Mr. ARENS. Excuse me just a moment. In 1947 the last job you were talking about was in Philadelphia?

Mr. NORMAN. That is right, sir. No. That is right.

Mr. ARENS. What was the type of work? I lost track.

Mr. NORMAN. Selling air conditioners.

Mr. ARENS. Selling air conditioning?

Mr. NORMAN. That is right.

Mr. ARENS. How long did you work there?

Mr. NORMAN. Selling air conditioning?

Mr. ARENS. Yes, sir.

Mr. NORMAN. Long enough to find out you don't make much of a living selling air conditioners.

Mr. ARENS. Would it be a matter of a year? Half a year, or—

Mr. NORMAN. A couple of months.

Mr. ARENS. A couple of months?

Mr. NORMAN. That is right.

Mr. ARENS. Does that get us into the latter part of 1947 or still in the early part?

Mr. NORMAN. It is a little hard to recall at this point. Maybe in the middle of the year. I don't know.

Mr. ARENS. It would be your best guess that it might be about the middle of the year; is that correct?

Mr. NORMAN. That is right.

Mr. ARENS. All right. Do you care to confer with your counsel in response to the question about your next job?

Mr. SCHERER. Before he does that, you have given us a long series of jobs that you had up to this point. Did you quit voluntarily any of those jobs or were you fired on each one?

Mr. NORMAN. I was certainly not fired in each one, but I want to say this: That any job I was ever fired from—let me say—I can easily clarify them.

Mr. SCHERER. The employer was always wrong?

Mr. NORMAN. It was either because I refused to take antilabor positions or because I was pursuing what I felt and I believe now is the best interest of people generally in this country that racketeers have no place among labor and I attempted to ferret it out. And New York Ship, incidentally, where it was common knowledge that the horse racing and numbers racket ran well up into management and where there was a garage, during the war, incidentally, during the war, a network of at least 100 or a few hundred men walking around with spotless dungarees and coveralls who never done a lick of work, whose only tools were pencil and paper to take down horse bets and numbers. These people reported to the people higher than management. When I raised this question in the union after working 4 years, after a number of promotions, and having received my mechanic's rating, after a number of promotions, the company was well satisfied with my work—when I raised the question in a union meeting I was fired the next day.

This was during the wartime, by the way.

Mr. SCHERER. Did I understand you to say one of these numerous jobs you had was with the CIO?

Mr. NORMAN. Exactly so.

Mr. SCHERER. Were you fired?

Mr. NORMAN. I was not fired by the CIO.

Mr. SCHERER. Did you quit?

Mr. NORMAN. No. The organizing campaign was successful. We had good locals going in New Jersey and it became necessary to effect retrenchment economically. That was the period of the recession, if you remember, of 1938, and the staff was cut down and I was among those cut. I hold no animosity against the CIO for doing it. I was very proud to help serve in that purpose.

Mr. SCHERER. In all of these incidents in which you were dismissed from your job, do I understand that you still think the employer was wrong in every instance?

Mr. NORMAN. Are you kidding, Mr. Scherer?

Mr. SCHERER. No, I just want to know.

Mr. NORMAN. No. I cite specifically one instance, that of the Camden Iron Works, where when the racketeer Jack O'Neal went to the boss and said, "You got to fire Norman," because Norman, when he was a bread truck driver had taken certain action that Jack O'Neal didn't like. The employer resisted, as a fine man and good American. He said, "You have no right to force me to do that." When Jack O'Neal threatened to boycott his trucks and he would get no materials he said, "John, I am sorry, but I got to let you go," and he did.

Mr. SCHERER. You were fired as a result of this labor problem?

Mr. NORMAN. I was not fired, sir, from that job. I want to make it clear.

Mr. ARENS. You said you thought racketeers had no part in labor and of course the committee agrees with that.

Mr. NORMAN. I was here yesterday and I heard a letter read from the Carpenters Union. Is that the same union where the International President was hauled up by the AFL-CIO for racketeering and corruption? Is this the committee that compliments your committee?

Mr. ARENS. You told us about a character Jack O'Neal, a person you characterized as a racketeer in labor organizations, and you told us that racketeers have no place in labor. We would like to have you tell us the names, if you please, sir, of the Communists you know in labor organizations. Could you kindly do that? You told us the name of racketeers in labor organizations. Now tell us the names of any Communists you know in labor organizations.

Mr. NORMAN. Mr. Arens, I told you before that I will tell you the name of no person, no person who holds what he believes is a political opinion. I will not be a political informer. I can't think of anything lower. We may hold differences of opinion on this.

I would like to cite the fact that in 1800 when Matthew Lyon, a congressman, was elected to Congress from jail in Vermont, in protest against the Alien Sedition Act, he took the same position. I think it is an honorable position. I will not be an informer.

Mr. SCHERER. You just informed on the labor leader. You gave his name.

Mr. NORMAN. I hold a distinction between helping to prosecute a criminal and informing on a person's political beliefs in an atmosphere of repression.

Mr. SCHERER. Somebody who is willing to destroy this Government—

Mr. NORMAN. No, sir. If I knew of anyone—let me say this clearly—if I know of anyone out to destroy the United States Government or Constitution, I would help to see that he was indicted and prosecuted, and let me say, incidentally, if I were the Attorney General of the United States, I would most certainly have taken action against the group of Southern congressmen who did a major blow against the United States Constitution in attempting to subvert the Constitution in the case of southern integration. I am highly sur-

prised this was not done. I draw a great distinction between a criminal and political opinion.

Mr. ARENS. Would you kindly tell us what your next employment was after your employment selling air conditioning in Philadelphia in 1947?

Mr. NORMAN. It is at this point I wanted to consult with my attorney, and thank you.

Mr. ARENS. Go ahead and consult with your attorney.

(The witness conferred with his counsel.)

Mr. NORMAN. Mr. Arens, I invoke my constitutional privilege not to answer that question, and I decline to answer that.

Mr. ARENS. How long did your next employment last?

Mr. NORMAN. The same answer, sir.

Mr. ARENS. Was your next employment as a propagandist for the Communist Party?

Mr. NORMAN. The same answer, sir.

Mr. ARENS. I should like to display to you, if you please, sir, copies of several articles appearing in the Communist Daily Worker. The first one is from the Daily Worker, New York, Monday, October 25, 1948, headlined "Wallace Meet Packs Armory in Paterson."

"Four thousand persons jammed the Paterson Armory this afternoon to hear Henry A. Wallace," and so forth. It is bylined John Norman.

Mr. NORMAN. May I see that, sir?

Mr. ARENS. Yes, sir. Kindly look at that article and tell us whether or not that is your byline in this Daily Worker.

Mr. NORMAN (reading):

Wallace told the rally that "the Progressive Party campaign for the ending of Jimcrow in America is an absolute must for the full organization of the textile industry. It is an absolute must for decent wages in the textile industry."

"So long as southern workers are underpaid," he said, "northern workers will be underpaid. And so long as segregation and discrimination are the rule in the South, wages will remain low in the South and in the North."

May I ask is something un-American or subversive in having written or bylined that story?

Mr. SCHERER. I ask you to direct the witness to answer the question.

Mr. WILLIS. You are directed to answer that question.

Mr. NORMAN. I am asking what is the pertinency of that story, whether something is un-American—specifically I am asking—within the scope of this committee that is supposed to deal with un-American and subversive activities to have written a story, that story, particularly.

Mr. ARENS. I will be very glad to explain to you the pertinency of the question.

The Committee on Un-American Activities is mandated by the Congress of the United States to engage in two principal functions, one of which is to maintain a continuing surveillance over the operation of the present security legislation. The other is to constantly devise needed legislation, make recommendations to the Congress respecting proposed amendments to existing legislation.

One of the principal areas in which this committee has a jurisdiction deals with Communist propaganda and Communist propagandists.

It is obvious that a person who is a writer for the Communist Daily Worker is engaged in Communist propaganda. If you will answer the question as to whether or not, and give us a truthful answer as to whether or not, you are or have been a propagandist author of articles for the Communist Daily Worker, we then expect to pursue that line of inquiry by asking you about the directions which you received, and we expect to receive information respecting the tie of the Communist Daily Worker and other propaganda activity with Moscow and the international Communist conspiracy. We expect also to interrogate you respecting the chain of command in the propaganda network of the Communist conspiracy. We expect to elicit similar information from you for the purpose of using this information in order to better appraise proposed legislation pending before the Committee on Un-American Activities, including H. R. 9937, a bill which would attempt to cope with much of this Communist Party propaganda activity in the United States.

With that explanation, Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer the question as to whether or not that byline in the Communist Daily Worker is his byline.

Mr. WILLIS. You are ordered to answer the question.

Mr. NORMAN. That was a rather long answer. I would like to digest it before answering the question.

As I take it, sir, you are saying to have written a story in the Daily Worker, a newspaper which no longer exists, which did——

Mr. WILLIS. The question is, did you write the article? Then you may explain what is in your mind. Did you write the article?

Mr. NORMAN. I want to know what I am answering in reference to what the counsel stipulated why this is so. As I understand it, to have written the story in the Daily Worker in his mind would constitute fulfilling the function of a Communist propagandist.

Let me say, sir, in answering your question, in the first place, I differ with the view involved. I am professional enough to believe that the first amendment guarantees freedom of the press.

Mr. WILLIS. Did you write the article? That is the question. And that is preliminary to another question.

Mr. NORMAN. I don't think you have the right to ask any newspaper man any such question and as for myself I decline to answer it because, I think, first of all, it is clearly an invasion of the First Article of the Bill of Rights and, secondly, I also decline to answer it, invoking my privileges under the Fifth Article of the Bill of Rights.

(Document marked "Norman Exhibit No. 1," and retained in committee files.)

Mr. WILLIS. Next question.

Mr. ARENS. Did you act as chairman in October 1947, at a meeting on behalf of international Communist agent Gerhart Eisler held at Trenton.

Mr. NORMAN. Congressman, let me say I decline to answer this for the same reasons, too, but let me say this, too, if one had done so—let me put it this way——

Mr. SCHERER. Next question.

Mr. NORMAN. —if any man were deprived of his civil rights, whether a Communist from Germany or a congressman from Louisiana, I think he has a right to speak and I want you to know what I think in this regard.

Mr. WILLIS. Next question.

Mr. ARENS. I lay before you, if you please, a photographic reproduction of Communist Daily Worker of October 23, 1947. Among other items appears an item "Trenton Mob Couldn't Keep Eisler From Speaking." It states:

Manual Cantor, county chairman, Daniel Cohen, a member of the executive, and John F. Norman, Daily Worker correspondent and representative of the New Jersey State Committee of the Party, went to Contemporary Auditorium on schedule to open the meeting.

I am skipping some of the article because I am coming to the part with reference to yourself:

John Norman acted as chairman.

Kindly look at that article and tell this committee whether or not, while you are under oath, that article truthfully and fairly and accurately represents the facts.

Mr. NORMAN. I notice this article is bylined by a lady. I did not write the article, apparently. It says here, "the Star Spangled Banner was drowned out by abuses and every time Norman raised his arms for quiet"—apparently to hear the Star Spangled Banner—"the abuse intensified."

Mr. SCHERER. Gerhart Eisler was a traitor. Now, did you chairman the meeting for him? Would you answer the question?

Mr. NORMAN. Gerhart Eisler is what, sir? Gerhart Eisler to my knowledge is a German Communist. I repeat this, sir. If I were asked to guarantee the civil rights of any man I would do so. I have no hesitation in saying it. I would do it for you, Congressman. I don't see why I shouldn't do it for Gerhart Eisler if I were asked to do it.

Congressman, I believe that your question is an invasion of my rights under the first amendment, which is freedom of speech and assembly, and I decline to answer it under my privilege of the fifth amendment.

(Document marked "Norman Exhibit No. 2," and retained in committee files.)

Mr. ARENS. Mr. Norman, are you now a member of the Communist Party?

Mr. NORMAN. Congressman, let me put this very clearly, as clearly as I can, because I hold decided opinions on these things—I am an American citizen. I have political opinions pro and con on a lot of things, Democratic Party and the Republican Party and the Communist Party. I have no objection whatsoever to discussing these opinions, to telling people what my opinions are, private citizen or congressman. I have no objection of you knowing what my opinions are in any discussion of mutual good will and inquiry in which people are really interested in swapping opinions.

Congressman, that is not the situation here. You come here asserting yourself to be an arm of the Government, although that is in great doubt nowadays since the last decision of the Supreme Court. You bring me here under subpoena, you put me under oath and you require me as an American citizen to submit to you my thinking.

Congressman, that is not the way the United States Constitution views the rights of Americans. In my opinion it is a travesty of the democracy and in my opinion, Congressman, it is in itself a sub-

version of the Constitution and the most sacred basic precepts that it guarantees for all Americans. I will not be a party to subversion, Congressman. I will not answer your question.

Mr. SCHERER. The only reason you refuse to answer that question now is because you are under oath; you are willing to discuss it outside with us when you are not under oath and when you can lie without fear of prosecution for perjury.

Mr. NORMAN. Congressman, that is an assertion that has no basis. You have no right to make it. It is obviously an ugly thing to say for the newspapers. I think they will have the decency to keep it out, and I resent it.

Mr. ARENS. Is the record clear that you have not invoked the fifth amendment?

Mr. NORMAN. The congressman interrupted me.

Mr. ARENS. You are going to get around to that in a minute?

Mr. NORMAN. When I do, sir, I shall make very clear what I do without your assistance.

Mr. ARENS. Mr. Chairman, the record does not presently reflect an invocation—

Mr. NORMAN. The record will show I was interrupted, and I would like to continue what I was saying.

Mr. ARENS. You go right ahead.

Mr. NORMAN. I shall. Thank you.

I said, as I believe that I will not be a party to subversion of any kind—I repeat that—I think that at the present time there are two tremendous dangers of subversion in the United States to the Constitution, because this is how I view subversion. One comes from the South where the Constitution has been flouted, where even congressmen have been permitted to engage in a conspiracy against the Constitution and where governors engage in the conspiracy to flout the decisions of the Supreme Court; and another in my opinion comes from this whole area of thought-control committees such as this.

Mr. ARENS. You understand we are not accepting your reasons when we are asking you whether or not you are a member of the Communist Party.

Mr. NORMAN. I am giving you my reasons and I believe I have a right to. I know the Supreme Court ruled your committee cannot do things which it goes right ahead and has done. I believe that is subverting the Constitution and the decisions of the Supreme Court.

Mr. WILLIS. We have given you an opportunity to express your thoughts. We think we have tried to be fair.

Would you answer the question? Go ahead and answer the question.

Mr. NORMAN. That is my first reason and, secondly, under the Fifth Article of the Bill of Rights, which incidentally is at the center of the Bill of Rights and which I hold to be just as sacred as the first, and under the Fourth Article of the Bill of Rights which guarantees Americans to be secure in their persons, because of unreasonable search and seizures and the like, for all these reasons, sir, I decline to answer your question.

Mr. SCHERER. That was a very fine Communist speech. Better than I heard before.

Mr. NORMAN. Congressman, if you think the defense of the Constitution is a Communist speech, I think you should go back to school and learn what the Constitution is all about.

Mr. ARENS. Tell us what your next employment was, after the employment which you have told us about.

Mr. NORMAN. Yep. I had a job as a salesman.

Mr. ARENS. How long did the employment last which you will not tell us about?

Mr. NORMAN. I think that is part of the same kind of entrapment. I shall decline to answer that.

Mr. ARENS. When did you begin your next employment as a salesman?

Mr. NORMAN. Well, I see no reason to beat around the bush on this thing. I got a job as a salesman in 1950 or 1951. I have forgotten—1950 or 1951. I cannot remember.

Mr. ARENS. Between the middle of 1947 and 1951.

Mr. NORMAN. Or 1950. I don't remember.

Mr. ARENS. Were you engaged in any activity, any employment, concerning which you can tell us without revealing information that can be used against you in a criminal proceeding?

Mr. NORMAN. I am not going to answer that question, for the same reason I have given, Mr. Congressman, to my rights under the first and fifth amendment.

Mr. ARENS. What was your next employment as a salesman? What did you do?

Mr. NORMAN. I did something I didn't like doing, but I have a family, as I said. There was nothing illegal or immoral about it. I didn't like it. It was high-pressure selling. It was porch enclosure, you know, the storm window jungle, you know, you have to do things to people that in my opinion you shouldn't do. I know it is part of what you say is an honorable way of making a living. I don't think it is a good way to make a living.

Mr. SCHERER. Do you mean to say you did things to people you shouldn't do?

Mr. NORMAN. No, I didn't. One of the reasons I quit the boss was unhappy, too.

Mr. ARENS. What caused the termination of your employment which you had immediately prior to your employment as a storm-window salesman?

Mr. NORMAN. I don't know what you are talking about.

Mr. ARENS. How did you happen to lose your job or become disassociated from your job which you had immediately prior to your job as a salesman?

Mr. NORMAN. I think that is my business, Mr. Congressman.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness either answer or invoke the privilege under the Constitution.

Mr. NORMAN. Thank you, sir. I shall. I invoke it.

Mr. ARENS. How long did your employment endure as a storm-window salesman?

Mr. NORMAN. About a year.

Mr. ARENS. Next employment?

Mr. NORMAN. I worked in the printing trade and worked in a great number of jobs. It would be impossible for me to remember the names of all of them.

Mr. ARENS. Has your work been principally in the New Jersey area?

Mr. NORMAN. No, no.

Mr. ARENS. Where?

Mr. NORMAN. In New York and New Jersey.

Mr. ARENS. Just in New York and in New Jersey? Have you worked in any other States?

Mr. NORMAN. No.

Mr. SCHERER. About how many places did you work?

Mr. NORMAN. A great many, Congressman. When you are learning a trade, you have to bounce around. It is not easy when you aren't a young man any more.

Mr. SCHERER. Were you—

Mr. NORMAN. What's that?

Mr. SCHERER. Were you dismissed from any of the jobs?

Mr. NORMAN. Yes, I was, for inability to do the work. I am not ashamed of that. I can do the work well now.

Mr. SCHERER. Were the employers wrong in those cases?

Mr. NORMAN. Not at all, sir. I just indicated that.

Mr. ARENS. Have you ever served in the Armed Forces?

Mr. NORMAN. No, I haven't, sir.

I might say, by the way, that I volunteered for the Marine Corps in 1942, but it was up to my draft board that I was kept where I was. It was in a small town where people were pretty well known to each other.

Mr. ARENS. Do you know a man by the name of John Gates?

Mr. NORMAN. I already told you, sir, I will not identify individuals.

Mr. ARENS. It is our information that you are now one of the leaders of the so-called Right Wing faction of the Communist Party. Could you help us on that and tell us whether or not you are?

Mr. NORMAN. Do you want me to be candid, Mr. Arens?

Mr. ARENS. Yes, sir.

Mr. NORMAN. I don't believe you have such information.

Mr. ARENS. I put it to you as a fact, sir, and ask you to affirm or deny the fact—

Mr. NORMAN. I put it to you as my opinion—

Mr. ARENS. —that you are with these boys in the Communist Party. If that is not true, deny it under oath.

Mr. NORMAN. I want to stipulate on the record I don't believe you have such information.

Mr. ARENS. We are not asking for your beliefs and opinions here.

Mr. WILLIS. Answer the question.

Mr. ARENS. You have professed that all the time.

Mr. NORMAN. I know if I had information I would indicate its source and stipulate it if I felt it was important to do so. Let me say to you, sir, I think this is another form of asking the same kind of question which I think the Supreme Court has said you are in no way entitled to ask, and I am not going to answer.

For the same reasons I gave above, the first and fourth and fifth amendments.

Mr. WILLIS. Proceed, Counsel.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. WILLIS. The witness is excused.

Mr. NORMAN. Thank you.

Mr. WILLIS. The committee will stand in recess until 9:30 tomorrow morning and the witnesses who are under subpoena will please report at 9:30 tomorrow morning.

(Whereupon, at 3:45 p. m., Thursday, September 4, 1958, the subcommittee recessed to reconvene at 9:30 a. m., Friday, September 5, 1958.)

(Subcommittee members present at the time of the recess were: Representatives Willis and Scherer.)

COMMUNIST INFILTRATION AND ACTIVITIES IN NEWARK, N. J.

FRIDAY, SEPTEMBER 5, 1958

UNITED STATES HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE OF THE
COMMITTEE ON UN-AMERICAN ACTIVITIES,
Newark, N. J.

PUBLIC HEARINGS

The subcommittee of the Committee on Un-American Activities met, pursuant to recess, at 9:55 a. m., in courtroom No. 1, Post Office Building, Newark, N. J., Hon. Edwin E. Willis (subcommittee chairman), presiding.

Committee members present: Representatives Edwin E. Willis, of Louisiana, and Gordon H. Scherer, of Ohio.

Staff members present: Richard Arens, staff director; Raymond T. Collins and Frank Bonora, investigators.

Mr. WILLIS. The subcommittee will please come to order.

Counsel will call the first witness.

Mr. ARENS. Rosalind Bernstein, please come forward.

Mr. WILLIS. Please raise your right hand. Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth and nothing but the truth, so help you God?

Mrs. BERNSTEIN. I do.

Mr. SCRIBNER. May we have no pictures while the witness is testifying.

Mr. WILLIS. That is right. No pictures while the witness is testifying.

TESTIMONY OF ROSALIND RYA BERNSTEIN, ACCOMPANIED BY COUNSEL, DAVID SCRIBNER

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Mrs. BERNSTEIN. I am Rosalind Rya Bernstein. I live in Elizabeth. I am a pharmacist, and I am also working with children.

Mr. ARENS. You are appearing today in response to a subpoena which was served upon you by the House Committee on Un-American Activities?

Mrs. BERNSTEIN. Yes.

Mr. ARENS. And you are represented by counsel?

Mrs. BERNSTEIN. Yes.

Mr. ARENS. Counsel, kindly identify yourself.

Mr. SCRIBNER. David Scribner, 15 William Street, New York City.

Mr. ARENS. Where are you employed, Mrs. Bernstein?

Mrs. BERNSTEIN. Right now?

Mr. ARENS. Yes.

Mrs. BERNSTEIN. I am working with children in a nursery.

Mr. ARENS. What is the name of the nursery?

Mrs. BERNSTEIN. It is a small agency nursery.

Mr. ARENS. And the name of it, please?

Mrs. BERNSTEIN. Am I supposed to answer that?

(The witness conferred with her counsel.)

Mrs. BERNSTEIN. It is the Jewish Community Center of Elizabeth.

Mr. ARENS. How long have you been employed there?

Mrs. BERNSTEIN. 3 years.

Mr. ARENS. In what capacity are you employed?

Mrs. BERNSTEIN. I am working with children at the nursery.

Mr. ARENS. Do you teach the children?

Mrs. BERNSTEIN. Yes, I teach the children.

Mr. ARENS. How many children are under your custody or supervision?

Mrs. BERNSTEIN. 25.

Mr. ARENS. What was your employment immediately prior to your present employment?

Mrs. BERNSTEIN. My husband has a store—had a store until about 6 months ago in Hillside, and as a pharmacist I have worked continually as a part-time assistant to him until the time when we sold the store.

Mr. ARENS. Have you lived in the New Jersey area all of your life?

Mrs. BERNSTEIN. We have lived all our married life of 26 years in New Jersey.

Mr. ARENS. Where were you born?

Mrs. BERNSTEIN. I was born in Russia.

Mr. ARENS. And when did you come to the United States?

Mrs. BERNSTEIN. I came in 1924.

Mr. ARENS. Are you a citizen of the United States?

Mrs. BERNSTEIN. Yes, sir.

Mr. ARENS. Is that by derivation?

Mrs. BERNSTEIN. That is by derivation.

Mr. ARENS. When did you acquire citizenship?

Mrs. BERNSTEIN. I could not—by derivation you acquire citizenship through your parent.

Mr. ARENS. When did you acquire it?

Mrs. BERNSTEIN. I believe it must have been about 10 years after, 10 years or so after.

Mr. ARENS. About how old were you when you came to the United States?

Mrs. BERNSTEIN. I was 14 years old.

Mr. ARENS. Give us a word about your formal education.

Mrs. BERNSTEIN. I attended Robert Treat Public School in Newark and Central High School. I hold a degree of a pharmaceutical chemist from Wayne University, and I have been taking—

Mr. ARENS. Is Wayne University in these parts?

Mrs. BERNSTEIN. No, it is in Detroit. And I am taking courses for the last 7 years.

Mr. ARENS. When did you complete your formal education, say at Wayne University?

Mrs. BERNSTEIN. I would say around 1932.

Mr. ARENS. Please give us the principal employments you have had since then.

Mrs. BERNSTEIN. The principal employments since then have been just what I have said, working with my husband and then working with children.

Mr. ARENS. Do you know a person by the name of Bernard Zick?

Mrs. BERNSTEIN. Any association with any people, sir, is my personal business, and I will have to take the privilege on that question.

Mr. ARENS. What do you mean, "the privilege"?

Mrs. BERNSTEIN. I mean by the privilege the answer I have just given you; the privilege of the fifth amendment.

Mr. ARENS. Are you now a member of the Communist Party?

Mrs. BERNSTEIN. Again, sir, I will have to take the privilege of the fifth amendment.

Mr. ARENS. Do you honestly apprehend that if you gave us a truthful answer while you are under oath as to whether or not you are presently a member of the Communist Party you would be supplying information which might be used against you in a criminal proceeding?

Mrs. BERNSTEIN. The answer to that, sir, is exactly what I have just given you.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer the last outstanding principal question.

Mr. WILLIS. Yes. The question is intended to test the good faith of your invocation of the constitutional privilege. And I order you to answer the question.

Mrs. BERNSTEIN. Sir, I again repeat that I have given you an honest answer when I have taken the privilege of the fifth amendment.

Mr. ARENS. Mrs. Bernstein, a man by the name of Bernard Zick, who is scheduled to testify in a little while here—

Mrs. BERNSTEIN. Yes.

Mr. ARENS. —has already testified under oath in an executive session before this committee, and said that while he was a member of the Communist Party he knew you as a member of the Communist Party. We would like to give you an opportunity now while you are under oath to affirm or deny that testimony. Do you care to avail yourself of that privilege?

Mrs. BERNSTEIN. Sir, I have enough confidence in my Constitution to again repeat that my associations are mine and that I do not have to tell you whether I know or do not know or anything of that sort.

Mr. ARENS. I put it to you as a fact that your membership card beginning back in 1944 in the Communist Party was card No. 85729. Would you kindly affirm or deny that allegation?

(The witness conferred with her counsel.)

Mr. SCHERER. I ask you to direct the witness to answer the question.

Mr. WILLIS. You are directed to answer the question.

Mrs. BERNSTEIN. I again will have to repeat that I have answered that question and again will have to resort to the fifth amendment.

Mr. ARENS. Did you give us the street address of your home in Elizabeth?

Mrs. BERNSTEIN. Do you want it?

Mr. ARENS. Yes, please.

Mrs. BERNSTEIN. It is 1126 Magie Avenue, like in Magie, M-a-g-i-e.

Mr. ARENS. Do you have a basement at your home?

Mrs. BERNSTEIN. No, not any—much of a basement, but this is not California. Most homes have basements. I don't know what kind of basement you are referring to.

Mr. ARENS. How long have you lived at that home?

Mrs. BERNSTEIN. I believe around 4 years.

Mr. ARENS. Where did you live immediately prior to your present home, your present address?

Mrs. BERNSTEIN. We have lived in Hillside.

Mr. ARENS. And what was the address of your home there?

Mrs. BERNSTEIN. 1281-1283 Liberty Avenue, Hillside.

Mr. ARENS. Did you have a basement in that home?

Mrs. BERNSTEIN. That, too, has a basement that was used for stock.

Mr. ARENS. Used for what?

Mrs. BERNSTEIN. For stock, mostly.

Mr. ARENS. Did you have a mimeograph machine in your home at Hillside?

Mrs. BERNSTEIN. Sir, what I have in my house really is my own concern.

Mr. ARENS. I put it to you as a fact, and ask you to affirm or deny the fact that you did have a mimeograph machine in your home which was used to reproduce Communist Party directives. If that is not a truthful assertion, kindly take issue while you are under oath.

Mrs. BERNSTEIN. I again repeat that I have answered that question and the previous question the same way, by taking the privilege of the fifth amendment.

Mr. ARENS. Where is Union County? I am not familiar with these parts. Are we in Union County now?

Mrs. BERNSTEIN. No. You are not in Union County.

Mr. ARENS. Where is Union County?

Mrs. BERNSTEIN. Well geographically, sir, I would have to have a map. I really am not that familiar.

Mr. ARENS. Is Hillside in Union County?

Mrs. BERNSTEIN. Hillside is in Union County.

Mr. ARENS. Were you a member and leader of the Union County Communist Party?

Mrs. BERNSTEIN. Sir, again I will have to refer to the privilege of the fifth amendment.

Mr. ARENS. Were you one of the leaders in the Progressive Party?

Mrs. BERNSTEIN. Sir, when it comes to the Progressive Party the attitude of your committee has been such that I again feel that it is absolutely my private affair and that I will have to take the privilege on that, too.

Mr. ARENS. What is the age grouping of the children under your tutelage at the institution where you teach or where you superintend their activities?

Mrs. BERNSTEIN. They are 3- and 4-year-olds.

Mr. ARENS. And how many children in the course of your employment there have been under your tutelage?

Mrs. BERNSTEIN. As I mentioned before there are 25 children.

Mr. ARENS. And does that fluctuate from year to year?

Mrs. BERNSTEIN. It certainly does. Children have a habit of growing, sir.

Mr. ARENS. How many different children have been under your tutelage in the course of the time that you have been there?

Mrs. BERNSTEIN. I certainly could not count.

Mr. ARENS. Approximately, your best judgment.

Mrs. BERNSTEIN. Well, in 3 years, I imagine that is 25——

Mr. ARENS. Has there been a complete turnover every year?

Mrs. BERNSTEIN. No. Well, the 3's remain very often, the 4's——

Mr. ARENS. Do you instruct the children?

Mrs. BERNSTEIN. Working with children could include the instruction, even the 3- and 4-year-olds.

Mr. ARENS. Have you conferred with your employer respecting your appearance here since you received your subpoena to appear?

Mrs. BERNSTEIN. What I do about anything that is personal is really my business.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer that question.

Mr. WILLIS. Yes. There are reasons for the question. You are directed to answer.

Mrs. BERNSTEIN. I don't have to.

Mr. WILLIS. I say I direct you to answer the question.

Mrs. BERNSTEIN. Again I repeat that I have a right to my own opinions or to my own——

(The witness conferred with her counsel.)

Mr. ARENS. Would you kindly answer—excuse me. You are conferring with counsel.

Mrs. BERNSTEIN. I am not finished, sir.

Mr. ARENS. I am sorry. I beg your pardon.

Mrs. BERNSTEIN. I will have to again take the privilege.

Mr. WILLIS. Let me ask you: Is that school in the nature of kindergarten as we properly refer to such a school?

Mrs. BERNSTEIN. It is not kindergarten. It is preschool.

Mr. ARENS. Mr. Chairman, I have no further questions of this witness.

Mr. WILLIS. The witness is excused.

Mr. ARENS. Mr. Bernard Zick, kindly come forward.

Mr. WILLIS. Please raise your right hand. Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth and nothing but the truth, so help you God?

Mr. ZICK. I do.

TESTIMONY OF BERNARD ZICK

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Mr. ZICK. Bernard Zick, Oakland, N. J., and I work at Tung Sol Electric Co., Inc., in Bloomfield.

Mr. ARENS. Mr. Zick, could you get a little closer to the public-address system? We are having difficulty hearing you.

Mr. ZICK. All right. How's that?

Mr. ARENS. Thank you.

Mr. Zick, have you ever been a member of the Communist Party?

Mr. ZICK. I have, sir.

Mr. ARENS. Kindly tell us the time you entered the Communist Party, when you left the Communist Party, and a word about the unit within the Communist Party to which you were attached.

Mr. ZICK. I joined the Communist Party in 1947, and I left in 1950. I joined it through my associations with Jack Bernstein.

I joined the party with whom I had associations with Jack and Rya Bernstein in Hillside. I grew up in that neighborhood, and I must say publicly that these people always were awfully good to me, and I was under their influence and I certainly accepted their views on things, so, I joined the party.

Mr. ARENS. To what club or unit of the Communist Party were you attached?

Mr. ZICK. I was in the GE Club.

Mr. ARENS. Where was that located?

Mr. ZICK. That was a club that had several shops in GE with Tung Sol and several smaller shops.

Mr. ARENS. In what city?

Mr. ZICK. In Newark.

Mr. ARENS. What was the name of the club again, please?

Mr. ZICK. The GE Club.

Mr. ARENS. The GE Club?

Mr. ZICK. That is, General Electric.

Mr. ARENS. The GE Club of the Communist Party?

Mr. ZICK. No. That was in Newark. That wasn't in Hillside.

Mr. ARENS. Yes; in Newark. Who were the principal leaders of that club, please?

Mr. ZICK. I was one, I guess, and——

Mr. ARENS. What post did you hold?

Mr. ZICK. Well, I actually can't remember exactly, but I was very active in it. I distributed the Daily Worker. I had meetings at my house.

Mr. ARENS. Who else was in a leadership capacity in that club?

Mr. ZICK. Robert Dixon, who was here on Wednesday.

Mr. ARENS. Were the Bernsteins in that club?

Mr. ZICK. No; they were not. I was just trying to think of names of people in there. It was an extremely small club, as I say, because it had many shops in its because there wasn't enough people in any one shop to have a full club and the people——

Mr. ARENS. Did you serve in the Communist Party with Jack and Rya Bernstein?

Mr. ZICK. I was only to one meeting with Jack, I believe. That is all.

Mr. ARENS. Do you identify him to your certain knowledge as a person known by you to be a member of the Communist Party?

Mr. ZICK. Yes, sir.

Mr. ARENS. Do you identify Rya Bernstein as a person who to your certain knowledge was a member of the Communist Party?

Mr. ZICK. Yes; I do.

Mr. ARENS. Can you continue to give us the names of persons who were in leadership status in this club of the Communist Party and give us a word about the activities?

Mr. ZICK. There was a Sylvia Cohen who worked for the UE, who was in the club for a time. And I actually can't remember at the moment the names of these people.

Mr. ARENS. Was Robert Dixon in that club?

Mr. ZICK. Yes; he was.

Mr. ARENS. Was Elwood Dean in that club?

Mr. ZICK. No.

Mr. ARENS. Did you know Elwood Dean as a Communist?

Mr. ZICK. Yes; I did.

Mr. ARENS. How did you know him as a Communist?

Mr. ZICK. I was over to his house. I saw him at meetings.

Mr. ARENS. Communist meetings?

Mr. ZICK. Yes.

Mr. ARENS. Were you during your membership in the Communist Party, attached to any entity or unit other than the unit of GE that you told us about?

Mr. ZICK. No, I wasn't.

Mr. ARENS. Did you participate in sessions of other groups?

Mr. ZICK. I may have, yes.

Mr. ARENS. Did you know as a Communist, Jessie Scott Campbell?

Mr. ZICK. No. I have heard of her, but I don't know her personally.

Mr. ARENS. Did you know as a Communist, Tom Leavy?

Mr. ZICK. Yes.

Mr. ARENS. Did you know as a Communist, Joe Alfone?

Mr. ZICK. Yes.

Mr. ARENS. When did you leave the Communist Party?

Mr. ZICK. In 1950.

Mr. ARENS. What occasioned your disassociation from the party?

Mr. ZICK. I started to see that it was not what I wanted and what I thought it was, and it didn't go with my basic feelings on things; so I bowed out.

Mr. ARENS. To your certain knowledge did the Bernsteins have a mimeograph machine in their home?

Mr. ZICK. That I don't know.

Mr. ARENS. What activity was performed by your unit of the Communist Party at the behest of the conspiracy?

Mr. ZICK. There were plans to bring certain issues up at union meetings, to try to back certain people and get them in office in the union, and it was our club——

Mr. ARENS. What union was that, please?

Mr. ZICK. Either GE or Tung Sol.

Mr. ARENS. What union within GE or Tung Sol?

Mr. ZICK. UE.

Mr. ARENS. Go right ahead, please.

Mr. ZICK. We would take up certain issues—I can't remember just which ones. There was one about several Negro boys in Trenton that were convicted of murder or something, and we backed that and popularized it.

Mr. ARENS. Did you disseminate Communist propaganda?

Mr. ZICK. Yes.

Mr. ARENS. Mr. Chairman, we have no further questions of Mr. Zick. We thank him for his contribution.

Mr. WILLIS. I want you to know, sir, we deeply appreciate the courage you have displayed in coming here, telling us under oath of your experiences while you became enmeshed in the Communist Party, and of your seeing the light and telling us your experiences. We are deeply grateful.

Mr. ZICK. Thank you, sir.

Mr. ARENS. Mr. Jack Bernstein, kindly come forward.

Please remain standing while the chairman administers an oath to you.

Mr. WILLIS. Please raise your right hand.

Do you solemnly swear that the testimony you are about to give will be the truth, the whole truth, and nothing but the truth, so help you God?

Mr. BERNSTEIN. I do.

Mr. SCRIBNER. May we have the same ruling on photographs?

Mr. WILLIS. There will be no photographing while the witness testifies.

TESTIMONY OF JACOB BERNSTEIN, ACCOMPANIED BY COUNSEL, DAVID SCRIBNER

Mr. ARENS. Please identify yourself by name, residence, and occupation.

Mr. BERNSTEIN. I am Jacob Bernstein, 1126 Magie Avenue, Elizabeth, N. J. I am a pharmacist.

Mr. ARENS. You are appearing today in response to a subpoena that was served upon you by the House Committee on Un-American Activities?

Mr. BERNSTEIN. Yes, I am.

Mr. ARENS. You are represented by counsel?

Mr. BERNSTEIN. Yes, I am.

Mr. ARENS. Counsel, kindly identify yourself on this record.

Mr. SCRIBNER. David Scribner, 15 William Street, New York City.

Mr. ARENS. Mr. Bernstein, do you know the gentleman standing here to my right who is signing a paper at the desk, Mr. Bernard Zick? Do you know him?

Mr. BERNSTEIN. I don't like a person who is an informer. It goes against my grain.

Mr. ARENS. Do you know him?

Mr. BERNSTEIN. I wish to finish my statement, please. A person who is an informer is below the level of dignity of a human being, and I don't consider such a person to be a person any more. And as to your direct question, do I know him, since he is appearing as the witness of this committee and a friendly witness, I wish to take the privilege of the fifth amendment in its fullest extent.

Mr. SCHERER. Is it because he is what you consider an informer as you described it and because he is appearing before this committee as a friendly witness that you are refusing to answer? Do I understand that to be your answer?

(The witness conferred with his counsel.)

Mr. SCHERER. Do I understand that to be the reason for your refusal to answer?

Mr. BERNSTEIN. The reason I am taking the fifth amendment is because the Constitution tells me that I do not have to be a witness against myself.

Mr. SCHERER. All right.

Mr. ARENS. Mr. Zick swore here just a few moments ago that while he was a member of the Communist Party he knew you as a member of the Communist Party. We want to give you an opportunity now while you are under oath to either affirm or deny that testimony. Do you care to avail yourself of that privilege?

Mr. BERNSTEIN. I take the privilege of the fifth amendment.

Mr. ARENS. Where and when were you born?

Mr. BERNSTEIN. I was born in Newark, N. J., on October 24, 1911.

Mr. ARENS. And kindly give us a word about your education.

Mr. BERNSTEIN. I went to Robert Treat Public School, Barringer High School, and I attended the College of Pharmacy.

Mr. ARENS. When did you conclude your education at the College of Pharmacy?

Mr. BERNSTEIN. About 1931, the year of the depression.

Mr. ARENS. Where were you in 1930? Were you in pharmacy school?

Mr. BERNSTEIN. Probably around that time; yes.

Mr. ARENS. Were you a member of any outside organizations while you were going to pharmacy school?

Mr. BERNSTEIN. I have been a member of many organizations.

Mr. ARENS. Can you tell us the names of some of them?

Mr. BERNSTEIN. I don't care to.

Mr. ARENS. Mr. Chairman, I respectfully suggest the witness be ordered and directed to answer that question.

Mr. WILLIS. Yes. I direct you to answer that question.

(The witness conferred with his counsel.)

Mr. BERNSTEIN. I have a right to belong to whatever organizations I wish and to associate with anyone I wish, and I again take the privilege of the fifth amendment.

Mr. ARENS. Do you feel if you told us the organizations to which you belonged in 1930 while you were a pharmacy student, you would be supplying information which might be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. BERNSTEIN. I honestly feel that way. I honestly feel it is not the committee's affair.

Mr. ARENS. You were a member of the Young Communist League in 1930; were you not?

Mr. BERNSTEIN. I take the privilege.

Mr. ARENS. You became a member of the Communist Party in 1943; did you not?

Mr. BERNSTEIN. Again, I repeat—

Mr. ARENS. Can you tell us what functions you have performed in this community in a financial capacity as a custodian of funds? Can you help us on that other than the custody which you must have of the funds of your pharmacy?

(The witness conferred with his counsel.)

Mr. BERNSTEIN. I don't feel I wish to answer that. I don't choose to answer that question.

Mr. ARENS. Why not?

Mr. BERNSTEIN. Again, I will use the privilege.

Mr. ARENS. Do you honestly feel if you told us about any financial transactions and custody of funds which you have been in charge of

in the course of the last several years in this area you would be supplying information which might be used against you in a criminal proceeding?

(The witness conferred with his counsel.)

Mr. BERNSTEIN. I again take the privilege.

Mr. ARENS. I put it to you as a fact, sir, based upon information from reliable sources that have come before this committee that you are now and have in the past several years been in charge of finances and funds of the Union County Communist conspiratorial activities. If that is not true, please deny it while you are under oath.

Mr. BERNSTEIN. I again take the privilege.

Mr. ARENS. Do you maintain any banking accounts or checking accounts other than your own personal checking account for your own personal affairs?

Mr. BERNSTEIN. Well, it is not the committee's business, but I don't.

Mr. ARENS. Do you handle any funds other than your own personal funds?

Mr. BERNSTEIN. No.

Mr. ARENS. Have you in the course of recent past handled any funds other than your own personal funds?

Mr. BERNSTEIN. No.

Mr. ARENS. Have you directed the expenditure of funds of the Communist Party in Union County?

Mr. BERNSTEIN. Again I take the privilege of the fifth.

Mr. ARENS. Are you active as a member or a participant in the Emergency Civil Liberties Committee in this area?

Mr. BERNSTEIN. My associations are my own. I answered that before.

Mr. ARENS. Do you know Harvey O'Connor, who, according to the papers, was a spokesman for the Emergency Civil Liberties Committee in a rally or session they had here in Newark a night or so ago, a couple of nights ago, September 3? Do you know him?

(The witness conferred with his counsel.)

Mr. BERNSTEIN. I have heard of him, and I am proud to have heard of him and what he stands for.

Mr. ARENS. Do you know him as a Communist?

Mr. BERNSTEIN. I have no knowledge—

Mr. ARENS. I beg your pardon?

Mr. BERNSTEIN. I do not wish to comment on that.

Mr. SCHERER. I ask that you direct the witness to answer the question.

Mr. WILLIS. It is a proper question.

Mr. SCHERER. He said he knows him.

Mr. WILLIS. He said he doesn't wish to comment on him.

Mr. BERNSTEIN. I have no information, sir.

Mr. ARENS. Thank you.

Are you now a member of the Communist Party?

Mr. BERNSTEIN. Again the privilege of the fifth amendment.

Mr. ARENS. Mr. Chairman, I respectfully suggest that will conclude the staff interrogation of this witness.

Mr. WILLIS. The witness will be excused.

Mr. ARENS. Mr. Chairman, I think that I would like to submit for the record a letter which has been received. Before doing so,

I should like to submit for the record, to be incorporated in the body of the record, the subpoena which was issued and served upon Harvey O'Connor. A letter has just been received here delivered to a representative of this staff from Harvey O'Connor, which I would like to submit to the Chairman and then read into the record in which he declines to make his appearance pursuant to the subpoena which was served upon him. And I would like to make a clear record here, Mr. Chairman, as to why he was subpoenaed, so the committee will have that information available for its deliberations in the future.

Mr. Chairman, if it meets with your pleasure and the pleasure of the committee, I should like a ruling that there be incorporated in the body of the record at this point, the subpoena which was served upon Harvey O'Connor and that there be incorporated in the body of the record the letter which was delivered a short time ago, in the course of the last hour or so, to Mr. Collins of this staff from a representative of Harvey O'Connor, the letter reading as follows:

Gentlemen—

It is dated September 4, 1958.

I have a profound respect for our Constitutional system, our institutions, and the lawful processes of government.

In declining to appear before the Committee, I am acting in accordance with my understanding of the Supreme Court's decision in the Watkins case and in protest against the Committee's abuse of process and its usurpation of authority.

My reasons for not appearing are set forth in the enclosed statement which I should like to have incorporated in the record.

And then the enclosed statement is some 2 pages, which I suggest, Mr. Chairman, be incorporated with the letter in the body of the record.

Mr. WILLIS. Let the letter and the statement be incorporated in the body as well as the subpoena.

(The information referred to follows:)

O'CONNOR EXHIBIT No. 1

Copy

UNITED STATES OF AMERICA

Congress of the United States

To **Harvey O'Connor**

....., GREETING:

PURSUANT to lawful authority, YOU ARE HEREBY COMMANDED to be and appear before the Committee on Un-American Activities of the House of Representatives of the United States, or a duly appointed subcommittee thereof, on 19....., **5 September** **58** at o'clock,m., at their Committee Room, **10 a Court #1, U.S. Court House & Post Office Bldg., Federal Square, Newark, N.J.** then and there to testify touching matters of inquiry committed to said committee, and not to depart without leave of said committee.

YOU ARE HEREBY COMMANDED to bring with you and produce before said committee, or a duly authorized subcommittee thereof, the following:

.....

.....

.....

.....

HEREOF FAIL NOT, as you will answer your default under the pains and penalties in such cases made and provided.

To **U.S. Marshall**, to serve and return.

GIVEN under my hand this **28** day of **August**, in the year of our Lord, 19..... **58**

Francis E. Walter

Chairman—Chairman of Subcommittee—Member Designate
of the Committee on Un-American Activities of the House
of Representatives.

M. NO. Cr-987-58

RETURN

Subpena for

before the Committee on the

I made service of the within subpena by

Delivering to and leaving

personally with Harvey O'Connor

at the Carlton Room, Carlton Hotel,

Newark, N.J., on 9/3/58. At the

the within-named

same time showing said person the

original and informing him of

its contents.

.....

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.....

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at 8³⁷ o'clock, P. m., on the

.....

.....

day of, 195....

.....

Dated, 195....

.....

.....

.....

O'CONNOR EXHIBIT No. 2

[Copy]

HARVEY O'CONNOR
Little Compton, Rhode Island

September 4, 1958

HOUSE COMMITTEE ON UN-AMERICAN ACTIVITIES
United States Court House
Newark, New Jersey

Gentlemen:

I have a profound respect for our Constitutional system, our institutions, and the lawful processes of government.

In declining to appear before the Committee, I am acting in accordance with my understanding of the Supreme Court's decision in the *Watkins* case and in protest against the Committee's abuse of process and its usurpation of authority.

My reasons for not appearing are set forth in the enclosed statement which I should like to have incorporated in the record.

Sincerely yours,

(Signed) HARVEY O'CONNOR.

O'CONNOR EXHIBIT No. 3

STATEMENT OF HARVEY O'CONNOR

In declining to respond to a purported subpoena issued by the House Committee on Un-American Activities, I am acting strictly within the confines of the decision of the United States Supreme Court in the *Watkins* case, of June 17, 1957. I challenge the authority of the House Committee to summon me for an unconstitutional purpose.

This subpoena was served on me as I entered a meeting hall in the Hotel Carlton, Newark, on the evening of September 3rd. The House Committee on that day had been holding hearings in Newark. In the course of the proceedings, Congressman Scherer bitterly assailed the Emergency Civil Liberties Committee, whose New Jersey Associates had taken an advertisement in the Newark News criticizing the ECLC and myself as chairman. The meeting was held to explain to the public the decision of the subpoenaed witnesses and to rally support for them. Congressman Scherer is, of course, entitled to his own opinions about both the ECLC and myself. But I challenge his right to hail me before his Committee.

As the Supreme Court observed in the *Watkins* decision: "There is no general authority to expose the private affairs of individuals without justification in terms of the functions of Congress . . . Nor is the Congress a law enforcement or trial agency . . . No inquiry is an end in itself; it must be related to and in furtherance of a legitimate task of the Congress. Investigations conducted solely for the personal aggrandizement of the investigators or to 'punish' those investigated are indefensible."

The words of the Supreme Court cover exactly the situation regarding my subpoena. The announced purpose of the House Committee is to "punish" the Emergency Civil Liberties Committee because within the past year ECLC initiated a campaign for abolition of the House Committee. While Congressman Scherer may contend that his Committee should not be abolished, he has no right to smear me because as a citizen I am working for such abolition. Congress can enact no legislation repressing a citizens organization; in the words of the Supreme Court: "Clearly, an investigation is subject to the command that the Congress shall make no law abridging freedom of speech or press or assembly." The Court emphasized that the investigative process "is justified solely as an adjunct to the legislative process." And Congress obviously cannot restrain the Emergency Civil Liberties Committee or myself from petitioning for the abolition of a Congressional committee. The Court added that, "We have no doubt that there is no Congressional power to expose for the sake of exposure," which can be the only purpose in summoning me, granted that Congress may not legislate against my rights as a citizen.

I am challenging the right of the House Committee on Un-American Activities to exist. In that I am following the reasoning of our highest Court when

it commented on the resolution authorizing the creation of the House Committee. Said the Court: "It would be difficult to imagine a less explicit authorizing resolution. Who can define the meaning of 'un-American'?"

Not one single piece of legislation has emanated from the 21 years of activity of this House Committee. It has amassed testimony filling a five-foot shelf without producing a single constructive law. It has wasted millions of dollars of the taxpayers' money, it has ruined the lives of thousands of citizens whose ideas the House Committee considered unorthodox. It is time to challenge the power of the House Committee to spread fear and confusion among us. By declining to respond to the House Committee's subpoena, I make that challenge.

Mr. ARENS. Now, Mr. Chairman, so there may be no misunderstanding as to the desire of the committee to interrogate Harvey O'Connor pursuant to the subpoena, I now call Harvey O'Connor to the witness stand.

Mr. Harvey O'Connor, would you kindly come forward?

Let the record reflect, if you please, Mr. Chairman, after an interlude of a reasonable period of time, the fact that he has not appeared.

Now, Mr. Chairman—

Mr. SCHERER. I think the record should also show the time Counsel is making this statement. The clock shows that it is 10:35 a. m.

Mr. ARENS. Now, Mr. Chairman, I should like to make a brief statement summarizing the principal reasons why a subpoena was served upon Mr. Harvey O'Connor for his appearance, the subpoena itself having been issued—I don't have the exact date. It was some several days ago.

There is pending or there has been pending before the Congress and there has been pending before the Committee on Un-American Activities a number of legislative proposals which are designed to meet various serious situations in respect to the Communist Party and the Communist Party operation in the United States, including legislative proposals to meet situations posed by certain decisions of the courts, one of which is a decision in the *Yates* case, in which the Supreme Court of the United States, among other things, made pronouncements respecting an interpretation of the Smith Act of 1940 in one part of the decision to the general effect that the term "organizing" as used in the Smith Act is applicable only to the initial organization of the Communist Party and not to organizing as applied to later entities under the auspices or control of the Communist Party.

Mr. WILLIS. Nor to regrouping and reconstructing the party. That is part of the bill.

Mr. ARENS. Yes, sir.

Now, Mr. Chairman, it is the information of the committee on the basis of preliminary inquiries that among other organizations that have been organized, grouped, and regrouped by the Communist Party is the Emergency Civil Liberties Committee, that the head of that organization is Mr. Harvey O'Connor, who himself has been identified by a live, responsible witness under oath as a member of the Communist Party.

The testimony taken by this committee in the course of just the last few months at Atlanta, Georgia, was to the effect that another man, by the name of Carl Braden who has been repeatedly identified as a hard-core agent in the Communist Party, was in session with Mr. Harvey O'Connor in the New England States recently, I believe it was Rhode Island, where they, so we believe, were planning strategies,

tactics, and organizational activities of the Emergency Civil Liberties Committee.

It has been asserted, based upon factual information, before the committee and testified that the Emergency Civil Liberties Committee was created by the Communist Party for the purposes of discrediting the Committee on Un-American Activities, of hampering the security program of the United States, and of undertaking to tie the hands of the Federal Bureau of Investigation, and to discredit the Director of the Federal Bureau of Investigation.

The Committee on Un-American Activities some several months ago issued a report entitled, "Operation Abolition" respecting the campaign against the House Committee on Un-American Activities, the Federal Bureau of Investigation, and the Government security program by the Emergency Civil Liberties Committee and its affiliates, which sets forth considerable information respecting the activities of this organization and the program of the organization as well as the Communist Party affiliations and activities of the leadership of the organization.

So it was the decision of the committee and particularly of the Committee Chairman, some several days ago, that at such time as Mr. Harvey O'Connor could be located and served with a subpoena he be subpoenaed, and this subpoena was signed by the Chairman of the Committee on August 28. It was served upon Harvey O'Connor according to the return which I now have in my hand at 8:37 p. m. on September 3, 1958, for his appearance today.

There are other legislative proposals pending before the committee on which we should like to develop factual information and expect to elicit or hope to elicit information from Mr. O'Connor, namely, legislation which would reinvest the States with the power, jurisdiction, and authority to conduct their own hearings on sedition, on efforts by conspiratorial organizations to overthrow the Government of the United States by force and violence.

Indeed, as I am sure the chairman will recall, because he personally was very active in developing that legislation, it was successful in passing the House of Representatives, I believe this very last session.

We thought that if we could interrogate O'Connor we might be able to develop factual information which would be of assistance in appraising the legislation which is designed principally to overcome another decision of the Supreme Court, which in effect ruled that the Smith Act, which invests the Federal Government with power to proceed against persons who would overthrow the Government of the United States by force and violence divests the States of a comparable jurisdiction.

We likewise have pending before the committee legislation which would undertake to cope more adequately with Communist propaganda, Communist propaganda activities, and it is obvious to the committee based upon factual information which has been presented to it that the Emergency Civil Liberties Committee and Harvey O'Connor in particular are disseminators of Communist propaganda. We anticipated and hoped that if he should respond to the subpoena and appear we would interrogate him respecting the dissemination of Communist propaganda so that factual information would be available to the committee as it appraises this legislation and as it under-

takes to maintain a surveillance over existing legislation pertaining to Communist propaganda.

That, Mr. Chairman, is only a brief explanation of certain areas in which we expected to interrogate Mr. O'Connor, had he responded to the subpoena which was served upon him.

Mr. SCHERER. I suggest, Mr. Chairman, if Counsel has not already done so that the advertisement in the Newark newspapers placed there by the Emergency Civil Liberties Committee be also made a part of the record at this time.

Mr. WILLIS. As well——

Mr. SCHERER. And the reported statements made at that meeting, including those of the witness O'Connor as reported in the daily press.

Mr. WILLIS. So ordered.

O'CONNOR EXHIBIT No. 4

(NEWARK EVENING NEWS, WEDNESDAY, SEPTEMBER 3, 1958)

★ U. S. ★
**SUPREME COURT
REBUKES
UN-AMERICAN ACTIVITIES
COMMITTEE**

"Investigations conducted solely for the personal aggrandizement of the investigators or to 'punish' those investigated are indefensible."

"The Bill of Rights is applicable to investigations as to all forms of governmental action. Witnesses cannot be compelled to give evidence against themselves. They cannot be subjected to unreasonable search and seizure. Nor can the First Amendment freedoms of speech, press, religion, or political belief and association be abridged."

CHIEF JUSTICE EARL WARREN, JUNE 17, 1957

This discredited Un-American Activities Committee is here again, doing business in its usual shoddy manner. Along with countless other Americans, we protest the appearance of the Committee in our community. It is only sensational publicity they are after.

O'CONNOR EXHIBIT No. 4—Continued

This Committee Was Condemned By:

- **Cardinal Mundelein of the Roman Catholic Church—**

"If it is really a committee to investigate 'un-American activities,' it should begin with itself."

- **The late President Franklin D. Roosevelt—**

"It is sordid . . . flagrantly unfair and un-American."

- **Detroit Free Press—**

" . . . the hypocritically named Committee on Un-American Activities should be abolished at the earliest possible moment by the United States Congress . . . and so deeply buried that no other group of publicity-mad zealots could ever be allowed to tarnish with their stench the greater institution of our democracy—our halls of Congress."

- **150 Negro Leaders—**

"Its (the Committee's) activities in recent years suggest that it is much more interested in harassing and labeling as 'subversive' any citizen who is inclined to be liberal or an independent thinker."

- **Nat'l Council of Churches of Christ in U.S.A.—**

"urge as remedial measures to deal with these precedential abuses in order to secure protection of the freedoms of our people and their institutions against investigatory excesses."

- **Synagogue Council of America—**

" . . . the practice of smearing Americans without affording the accused the opportunity of defending their names and their records, is a 'practice repugnant to ethical procedure, alien to religious feeling and completely contrary to established American principles of fair play.'"

O'CONNOR EXHIBIT No. 4—Continued

CIVIL LIBERTY IS EVERYBOD Y'S BUSINESS

THERE MUST BE NO APOLOGIES FOR THE BILL OF RIGHTS

- THE FIRST ARTICLE OF THE BILL OF RIGHTS SAYS:
"Congress shall make no law respecting an establishment of religion or prohibiting the further exercise thereof or abridging freedom of speech or the press or the right of the people peaceably to assemble and to petition the government of the United States for a redress of grievance."
- U.S. SUPREME COURT JUSTICE MURPHY OBSERVED:
"The right of freedom of thought and religion as guaranteed by the Constitution . . . includes both the right to speak freely and the right to refrain from speaking at all."
- U.S. SUPREME COURT, IN THE FAMOUS WATKIN'S CASE SAID: "Clearly, an investigation is subject to the command that the Congress shall make no law abridging freedom of speech or press or assembly."
- THE FIFTH AMENDMENT OF THE U.S. CONSTITUTION SAYS: "No person shall be compelled to be a witness against himself nor be deprived of life, liberty or property without due process of law."

"THE FIFTH AMENDMENT WAS NEVER INTENDED TO SERVE AS A CONFESSION OF GUILT. It was added to the Constitution to protect the innocent . . . our founding fathers were familiar enough with the history of the Middle Ages to know that 'Justice' in that time took some peculiar forms. They knew that the formal trial of a citizen began by placing him to torture . . . the framers of the Bill of Rights were determined that this should never happen in this fair country of ours . . . no matter who invokes the amendments, it stands in our Constitution as one of the guardians of our liberties."—JOSEPH N. WELCH, COUNSEL FOR THE U. S. ARMY DURING THE ARMY-McCARTHY HEARINGS.

**ATTEND THE OFFICIAL HEARINGS
SEE AND HEAR FOR YOURSELF**

MEETING TONITE, SEPT. 3, AT 8 P. M.

HOTEL CARLTON—24 E. Park St., Newark, N. J.

Hear Mr. Harvey O'Connor

AUTHOR AND LECTURER, NAT'L CHAIRMAN E. C. L. C.

Admission 50c

Please send contributions to N.J. Associates E.C.L.C., P.O. Box 8114, Clinton Hill Station, Newark 8, N. J.

Published by N. J. Associates Emergency Civil Liberties Committee, 421 7th Ave., N. Y. 1, N. Y.

O'CONNOR EXHIBIT No. 5

[Newark Evening News, Thursday, September 4, 1958]

WOULD DEFY HOUSE GROUP

ECLC HEAD GETS HEARING CALL

Harvey O'Connor, chairman of the Emergency Civil Liberties Committee, last night urged New Jersey members of that organization to defy the "cursed" House Un-American Activities Committee at every opportunity. He spoke at a rally at the Hotel Carlton.

O'Connor's opportunity to be defiant will come tomorrow. Just before he rose to speak, an agent of the House group served him with a subpoena directing him to appear at the current hearings in the Federal Building tomorrow at 10 a. m.

An enthusiastic gathering of 125 persons cheered when the Rhode Island author characterized members of the Congressional committee as "spookniks, driving scientists from the government and terrorizing our teachers."

The House committee and its sister body in the Senate—Internal Affairs Committee—"are responsible for the social stagnation of America," O'Connor charged.

The committee's "decisive influence," he said, has been responsible for what he termed the country's failures in public education, health, and housing in the last two decades.

O'Connor was fined \$500 and given a one-year suspended jail sentence in 1955 for refusing to say whether he had been a Communist when he wrote books later used in U. S. overseas libraries.

Rep. Gordon Scherer (R., Ohio), GOP member of the House group, yesterday described O'Connor as "an identified Communist." The Emergency Civil Liberties Committee has been called a Communist front by the House committee and by the FBI.

O'Connor noted with pleasure that the "fear" which he said the Un-American Activities Committee once spread throughout the country has "given way to contempt for these characters who go about besmirching the Bill of Rights."

CONGRESS LAUDED

He praised the recent session of Congress for having adjourned with "not a single piece of repressive legislation to its credit," and congratulated the "Eisenhower Supreme Court" on its decisions in defense of civil liberties.

"These rulings have amazed those of us who have been in this long and bloody battle for civil liberties," O'Connor said. "Public opinion must be changing," in the Watkins decision in particular, O'Connor said, "the Supreme Court upheld the freedom to be silent when you want to be silent."

IMRIE CHAIRMAN

Chairman of last night's meeting was James Imrie of Princeton, former secretary of ECLC and one-time N. J. gubernatorial and U. S. Senate candidate on Henry Wallace's Progressive Party ticket.

Also on the dais were Mrs. Hildegard Hall, Newark school teacher and treasurer of the ECLC New Jersey affiliate, and John Scudder, New York attorney and ECLC secretary.

Present at the meeting were Perry Zimmerman and Dr. Robert Lowenstein, dismissed Newark schoolteachers who pleaded the Fifth Amendment at Un-American Activities Committee hearings here three years ago.

O'CONNOR EXHIBIT No. 6

[The Newark Star-Ledger, Thursday, September 4, 1958]

QUIZ PROTEST LEADER REFUSES SUBPENA

The leader of a protest meeting against the House Un-American Activities Committee angrily refused to accept a subpoena last night and threw it on the floor.

Harvey O'Connor, chairman of the Emergency Civil Liberties Committee, also had some very uncomplimentary things to say about the House group while he held a meeting of his committee at the Carlton Hotel.

"The House Un-American Committee ought to be abolished because it is creating a dis-united United States," O'Connor said.

"We should have nothing but contempt for members of the House committee," he said.

Earlier, he had refused to look at the subpoena handed him by Chief Field Deputy August Horn of the U. S. marshal's office in Newark.

O'Connor's subpoena called for him to appear at 10 a. m. tomorrow before the House group at the Newark Federal Building.

However, the New York author praised the U. S. Supreme Court for freeing several reluctant congressional witnesses. "This should give us hope for the future," O'Connor said.

"Another wonderful thing is that Congress recently adjourned without passing one piece of repressive legislation," he said.

He blasted the House group for stifling economic, social, education, and political progress.

"That's why Russia got Sputniks in the air first."

Among the some 200 in O'Connor's audience were Perry Zimmerman and Robert Lowenstein, schoolteachers who took the Fifth Amendment when they appeared before the House Un-American Activities Committee in Newark three years ago. Both have been dismissed from the Newark school system.

Also present last night were Thomas Leavy of Atlantic Highlands and Jessie Scott Campbell of Montclair. Both took the Fifth earlier in the day when they appeared before the House group. Included were David Rocklin of Newark, who also pleaded the Fifth in 1955 and Morton Stavis, former lawyer for the United Electrical Union in Newark.

Mr. SCHERER. Now, Mr. Chairman, I move that this subcommittee recommend to the full committee that Harvey O'Connor be cited for contempt of Congress, that the full committee take such action as is necessary with the Speaker of the House of Representatives to bring about such citation.

Mr. WILLIS. Well, this witness, O'Connor, who was subpoenaed here is clearly, in the opinion of the Chair, in contempt of the committee and consequently of Congress. According to the press reporting of his remarks at a meeting here, which, of course, was perfectly lawful to hold, he intended nevertheless to discredit and to suggest a defiance of the committee. He is clearly in contempt. Seldom, in fact I don't recall, a witness going so far as deliberately refusing to even appear before this or any other committee of Congress. He is just asking for it. And, of course, after consultation with the legal staff, necessary steps will be taken to submit the matter to the full committee and to the House of Representatives.

Mention was made by counsel here of an incident at another hearing where a man named Braden had about the same things in mind, but he at least appeared and even after appearance, his actions were such that just a few days ago the House of Representatives without a dissenting vote, as I recall, held him and Frank Wilkinson, who also appeared at the Atlanta hearing, to be in contempt of the Congress and referred the matter to the Department of Justice.

Here the witness didn't even show up.

Mr. SCHERER. It is my recollection that the press reported that the proposed witness O'Connor urged other witnesses to defy the work of this committee.

Mr. WILLIS. We will take a brief recess.

(Subcommittee members present: Representatives Willis and Scherer.)

(A brief recess was taken.)

(Subcommittee members present: Representatives Willis and Scherer.)

Mr. WILLIS. The subcommittee will come to order.

Mr. ARENS. Mr. Chairman, I should like, if you please, sir, to make an announcement respecting the witness who was scheduled to appear at this time, Mr. Leo Shull. He was originally under subpoena for appearance in New York City in connection with hearings of this committee in regard to Communist penetration in the entertainment industry. Those hearings were scheduled and were held several months ago, at which time at the time for his appearance Mr. Shull was ill and was unable to appear. He was then continued under his subpoena. We thought in view of the fact that the committee was in this general area of New York City, or at least adjacent to New York City, we might hear him here and be able to complete the record on that one project of the committee. His counsel, who is an eminent and distinguished member of the bar, has advised me informally that Mr. Shull is presently en route to the session but that it will be some several minutes before he can arrive. In view of the fact that the committee has a heavy schedule, personal commitments, this afternoon and tomorrow, I respectfully suggest, Mr. Chairman, and I have conferred with counsel and it is agreeable with him, that Mr. Shull be continued under his subpoena for a time and place that we agree on with counsel, perhaps to be heard in Washington and that his appearance schedule for this hour now be deferred.

Mr. WILLIS. It will be so ordered with that understanding that he will remain under subpoena and we will hear him on the other aspect of our work in Washington.

Mr. GITLIN. I appreciate that.

Mr. ARENS. Identify yourself on the record as the counsel to Mr. Shull.

Mr. GITLIN. I am Leo Gitlin.

Mr. WILLIS. And confirming the understanding as his lawyer that you understand he remains under subpoena and is due to appear at a convenient time in Washington.

Mr. GITLIN. Yes, sir. Leo G-i-t-l-i-n, 565 Fifth Avenue, New York City. I am counsel for Leo Shull and recognize that Mr. Shull was under subpoena for appearance at this hearing this morning. And I accede, agree, and have solicited the continuance of that subpoena and his responsibility to appear at the next future hearing determined by this committee at its convenience.

Mr. ARENS. Mr. Chairman, that would conclude the presentation of witnesses. There are no other witnesses we presently desire to hear, and we respectfully suggest that the Chair announce that the other witnesses who had been under subpoena for appearance today, with the exception, of course, of Mr. Harvey O'Connor, are now excused from appearance.

Mr. WILLIS. The witnesses who were summoned but who have not been heard will be excused.

Does that complete your presentation, Counsel?

Mr. ARENS. Yes, sir.

Mr. WILLIS. Mr. Scherer, would you want to make a concluding statement?

Mr. SCHERER. Mr. Chairman, I just have one or two observations to make. There has been some criticism not only of the committee but also of the United States marshal. Complaints have been sent to the Department of Justice concerning the marshal's conduct during these hearings. It is apparent to those of us who have experienced the tactics of the Communists at hearings in all parts of the country that there was a well-planned attempt by the Communists and their apologists to institute a disturbance of these hearings and create contempt and ill-will and hatred toward the committee, the Federal Bureau of Investigation, and the United States marshal.

This is evidenced by the meeting conducted by the Communist controlled and dominated Emergency Civil Liberties Committee on Wednesday night, the advertisements in the local press put there by that committee, the letters to the editor, the contemptuous and surly conduct of such witnesses as Taylor, and the agitation among some of the spectators.

If persons in this hearing room, including some of the witnesses and their lawyers, conducted themselves as they did with a judge presiding in this room, a number of them would have found themselves in jail immediately for contemptuous conduct. However, the Communist Party lawyers have advised their clients that this committee under the law cannot punish for contemptuous conduct. We are therefore required to take much personal abuse.

In view of the inability of the committee to prevent the contemptuous conduct and disturbances as I have mentioned, it therefore devolves upon the United States marshal to prevent disturbances and agitation in this courtroom so that the business of the Congress might go forward with decorum and dispatch.

The United States marshal, Joseph Job, has performed his duties in an efficient, effective, and admirable manner. His prompt action has prevented a well-planned disturbance from getting out of hand. This committee commends United States marshal Joseph Job and his fine deputies for their courageous performance of their duties.

Mr. WILLIS. I certainly want to associate myself with the statement made by my colleague from Ohio. I think the marshal has displayed astute law enforcement and decorous conduct in this Federal courtroom.

It is true that under the law this committee unlike a Federal judge cannot call a contemptuous witness immediately and within a matter of minutes punish for contempt. But under the Constitution and the Rules of the House and the Congress the wheels of justice roll around slowly but very surely. Nothing is better settled than that the Congress has power of contempt directly or has power to recommend to the Department of Justice prosecution for contempt.

In the case of Harvey O'Connor that inexorably will happen.

And for the immediate preservation of decorum in the courtroom we are indebted indeed to the marshal. Far from being criticized he should be commended by any man of good will who believes in the constitutional processes.

Now, including the hearings here in Newark, I, as chairman, should like to make a few brief observations respecting the significance and accomplishments of this particular investigation.

Before commenting upon the factual material developed in this hearing, I should like to again point out that we have not tried to probe beyond the development of facts which show a pattern of operation. We have not sought to run down all possible leads or to develop testimony which would be merely cumulative.

What then has happened here?

In the first place, we have seen a pattern of Communist activity and technique which confirms similar patterns which we have been observing elsewhere in our Nation. In addition, we have added certain parts to the mosaic which appear to be unique in the Communist operation in this area. Moreover, there has been developed here new and convincing evidence regarding the problem of Communist political propaganda imported from abroad as evidenced by the witness representing a Government agency who exhibited this foreign imported poisonous political material which has been entering this area literally by the millions.

The material which our record discloses will be studied by the committee along with other material which we have been assembling for the purpose of appraising the administration and operation of existing internal security legislation and to guide us in our judgments respecting amendments to existing laws and possible new legislation.

I feel that there is an additional salutary result of hearings of this kind, namely, to keep us ever mindful of the present continuing threat of communism in our Nation.

Communism embodies a philosophy, but it is much more than a philosophy. It is a dynamic force of intrigue and subversion which in the course of my lifetime of some 50-odd years has swept over one-fourth of the land mass of this globe and has enmeshed within its grasp over one-third of the world's population. Let no one who is concerned about the security of this Nation minimize the threat of communism and the Communist conspiracy within our own borders. It is frequently said by the uninformed that the Communist Party is of no significance because it is relatively small in numbers. If the Communist Party were a political party as some contend then it is indeed small in numbers, but the Communist Party is not a political party. It is a "Fifth Column" numbering thousands who are in every sense foreign agents on American soil. It is a tentacle of a worldwide conspiracy which itself numbers only 3½ percent of the total population of the empire which it enslaves, but through its masters is capable of enslavement nevertheless.

Permit me to quote here recent words of J. Edgar Hoover, Director of the Federal Bureau of Investigation. Here is what he said recently:

Public apathy is the sure way to national suicide—to death of individual freedom. It allowed the Communists to penetrate and make satellites of once-free countries, and it is presently enabling them to honeycomb and weaken the structures of the remaining countries, and there is today a terrifying apathy on the part of Americans toward the deadliest danger which this country has ever faced. Some of that apathy is deliberately induced.

He then continues:

The Communist Party in the United States is not out of business; it is not dead; it is not even dormant.

It is, however, well on its way to achieving its current objective, which is to make you believe that it is shattered, ineffective, and dying. When it has fully achieved this first objective, it will then proceed inflexibly toward its final goal.

Those who try to minimize its danger are either uninformed or they have a deadly axe to grind.

Thus spoke Mr. Hoover recently.

Now before concluding, I should like to express the thanks of the committee to those witnesses who have seen fit to cooperate with the committee and who have given us valuable information. May I say in passing that by indirection some of the witnesses who have refused to cooperate with the committee have been of more value to us than they believe when we take their testimony and weigh it with the testimony we already have in our files.

We should like to express our thanks to Federal Judge Meaney who has most courteously made available to us his courtroom for these hearings. Also, we would like to express thanks to United States marshal, Joseph F. Job, and his capable and courteous deputies, the Newark police, and the New Jersey State Police, Subversive Squad.

And finally, we add our appreciation for the courtesies extended to the committee and the cooperation of the members of the press, radio, and television profession who have covered these hearings.

Mr. SCHERER. Mr. Chairman, I would like to offer in evidence¹ a letter purportedly issued by Harvey O'Connor together with a statement by Harvey O'Connor which I was advised by a member of the press was being distributed outside of the courtroom, shortly after O'Connor was called as a witness this morning and failed to respond.

Mr. WILLIS. So ordered.

And this will conclude our hearings in the Newark area at this time.

(Whereupon, at 11:25 a. m. Friday, September 5, 1958, the hearings in Newark, N. J., were concluded.)

¹ Letter and statement by Mr. O'Connor previously offered in evidence. See O'Connor Exhibits Nos. 2 and 3, p. 2892.

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